

FEDERAL REGISTER



VOLUME 12 NUMBER 125

Washington, Thursday, June 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9868

APPOINTMENT OF MEMBERS OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Edward Francis Carter, Associate Justice of the Supreme Court of the State of Nebraska, and Curtis Grover Shake, former Judge of the Supreme Court of the State of Indiana, as members of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned, which tribunals are a component part of the military occupational forces of the United States, and upon which the members designated herein shall perform active service during the period of their designation.

2. The members herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members herein designated in the

performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 24, 1947.

[F. R. Doc. 47-6101; Filed, June 25, 1947;
11:15 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

It is hereby ordered that the rules and regulations, hereinafter set forth, be published in the *FEDERAL REGISTER*. These rules and regulations are issued pursuant to the provisions of Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.) regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.) The provisions hereof are issued by the Administrative Committee established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The provisions are prescribed

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1946 SUPPLEMENT

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pursuant to section 5 of the marketing agreement and § 910.7 of this part.

Sec.
910.100 General.
910.101 Definitions.
910.107 Exemption certificates.

AUTHORITY: §§ 910.100, 910.101 and 910.107, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 910.1 et seq.

§ 910.100 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with

the agreement and order shall be addressed to Administrative Committee, Alamosa, Colorado.

§ 910.101 *Definitions.* Marketing agreement means Marketing Agreement No. 67, as amended, and order means Order No. 10, as amended, regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado. Terms defined in the marketing agreement and the order shall, when used herein, have the same meaning as set forth in the marketing agreement and the order.

§ 910.107 *Exemption certificates—(a) Application.* Any producer applying for exemption from any grade or size regulations issued under the marketing agreement and order shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) Name and address of the producer;

(2) Location of the field with respect to which exemption is requested;

(3) Amount, if any, of peas or cauliflower harvested from such field during the then current season; and

(4) Producer's estimate of the quantity of the particular crop remaining to be harvested.

(b) *Federal-State Inspector report.* Each request filed with the Administrative Committee shall be accompanied by a report of a Federal-State Inspector which shall contain the following: (1) A statement of the inspector that he personally visited the field with respect to which exemption is requested and that a representative sample of such crop was taken by him; (2) a statement of the percentage of such crop which meets the required grade and size regulations then in effect; and (3) a statement of the defects or damage causing such crop to fail to meet such grade and size requirements. In the event a Federal-State Inspector submits the statements required by subparagraphs (2) and (3) of this paragraph with respect to a field of peas and percentage of the crop meeting the grade and size regulations and the defects or damage specified shall not include peas which are immature or overripe. The Manager for the Administrative Committee may make such investigation as he deems necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or cause to be shipped that quantity of the regulated grades and sizes of peas or cauliflower as will enable him to ship or cause to be shipped as large a percentage of his peas or cauliflower as the average percentage for all producers, as determined by the committee. If the committee determines that the applicant is not entitled to an exemption certificate it shall so advise the applicant in writing,

and give the reasons therefor. Each certificate of exemption issued by the committee shall contain the producer's name and address; the location of the field with respect to which the exemption is granted; the particular grade and size regulations from which exempted; the amount of the commodity which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship peas or cauliflower which do not meet the requirements of particular grade and size regulations. Each certificate of exemption shall be transferable, in whole or in part, with the commodity in accordance with the amount of the commodity transferred.

(d) *Records.* All forms, reports, correspondence, and documents used pursuant to these rules and regulations shall be kept on file in the Administrative Committee's office; and a record shall be maintained by the manager of such committee, together with a record of all shipments made under exemption certificates. A record of all exemption certificates issued shall be furnished weekly by the manager to the representative of the Secretary of Agriculture.

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[P. R. Doc. 47-6011; Filed, June 25, 1947; 8:51 a. m.]

TITLE 10—ARMY- WAR DEPARTMENT

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

Correction

In Federal Register Document 47-5852, appearing at page 4019 of the issue for Saturday, June 21, 1947, the third line of § 708.4 (a) should read: "tion or when the decoration is to be awarded"

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

APPLICATION FOR REGISTRATION OF SECURITIES FOR CORPORATIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends the Instruction Book for Form 10 (17 CFR 249.210) for Corporations by amending the instructions to Item 25 to read as set forth below.

Inasmuch as the amendment merely deletes obsolete provisions and involves no substantial change in the requirements of the form and instructions, and in view of the desirability of having the instructions clarified immediately, the Commission finds that the giving of notice and the public rule-making procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the amendment effective immediately pursuant to section 4 (c) of the act.

Item 36. Financial statements. A registrant shall furnish the following financial statements:

(a) Its balance sheet and its profit and loss statement: *Provided, however,* That in lieu of the profit and loss statement required by this subparagraph there may be submitted a profit and loss statement consolidating the accounts of the registrant and one or more of its subsidiaries, if all the following conditions are met:

(1) The registrant is primarily an operating company;

(2) Other than directors' qualifying shares, all classes of outstanding securities of the subsidiaries whose accounts are included in such statement are owned in their entirety directly by the registrant;

(3) Such subsidiaries owe no long-term or funded debt to persons other than the registrant;

(4) Such subsidiaries are in practical effect, operating divisions of the registrant; and

(5) There is submitted, in addition to the balance sheets required in this paragraph and by subparagraph (b) below, a balance sheet consolidating the assets and liabilities of the registrant and such subsidiaries only.

(b) A consolidated balance sheet and a consolidated profit and loss statement (or income statement), prepared in accordance with the rules of consolidation given below.

(c) For subsidiaries not consolidated in the consolidated balance sheet, in which the registrant owns directly or indirectly securities representing more than 50 percent of the voting power other than as affected by events of default, submit either (i) separate sets of statements in which all such subsidiaries are consolidated or combined in one or several groups, or (ii) individual statements for each such subsidiary not included in (i) above. These statements need not be furnished when the aggregate investments not consolidated are not significant in respect of (1) the assets they represent, and (2) the sales or operating revenues of such nonconsolidated subsidiaries.

The financial statements required above shall be as follows:

1. The balance sheets required shall be as of the close of the registrant's (or, in the case of an unconsolidated subsidiary, of such subsidiary's) most recent fiscal year, unless such fiscal year has expired within 90 days prior to the date of filing of the application with the exchange, in which case, at the option of the registrant, they may be as of the close of the preceding fiscal year; and

2. The profit and loss statements required shall be those for the fiscal years as of the close of which the respective balance sheets are furnished, and for the 2 preceding fiscal years, or, if the registrant (or unconsolidated subsidiary) has been in business less than 3 years, then for such period as it has been in business up to the date of its respective balance sheet.

The financial statements required shall be accompanied by a certificate of an independent public or independent certified public accountant or accountants.

In case both of the following conditions exist:

(a) The business of the registrant, either directly or through subsidiaries, is primarily that of a common carrier by rail; and

(b) The registrant, directly or indirectly, operates the properties of subsidiaries the accounts of which are not consolidated; no separate financial statements for such subsidiaries need be furnished: *Provided,*

(i) The operations of the properties of such subsidiaries are included with the operations of the registrant in the latter's profit and loss statements;

(ii) The investment of the registrant in such subsidiaries is detailed in a schedule referred to in the balance sheet of the registrant; and the additions and betterments made by the registrant in respect of such subsidiaries are shown separately on the balance sheet of the registrant;

(iii) A footnote is added to the balance sheet of the registrant briefly setting forth by totals the securities of such subsidiaries held by persons other than the registrant, and the obligations of such subsidiaries owing to persons other than the registrant; and

(iv) Schedules are filed setting forth in reasonable detail the securities and obligations described in subparagraph (iii).

NOTE: Regulation S-X (17 CFR 210) governs the certification, form and content of the balance sheets and profit and loss statements required, including the basis of consolidation and prescribes the statements of surplus and the schedules to be filed in support thereof.

(Secs. 12, 23 (a) 48 Stat. 892, 901, 15 U. S. C. 781, 78w)

The foregoing amendment shall become effective June 19, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

JUNE 18, 1947.

[F. R. Doc. 47-5996; Filed, June 25, 1947;
8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

On April 15 there was published in the daily issue of the FEDERAL REGISTER (12 F. R. 2439) a notice of intention to amend §§ 130.63 and 130.110 (1) by increasing the estimated cost of operating and maintaining the Joint Works of the San Carlos Indian Irrigation Project to \$80,000 annually, and (2) by increasing the rate of assessments against the Indian lands of the project to \$2.50 per acre per annum for the delivery of not more than two acre feet of water per acre, effective for the calendar year 1948 and thereafter until further notice. Interested parties were given opportunity to participate in preparing amendments by submitting data or written arguments within thirty days from date of publication of the notice.

Objections to the proposed increase in the estimate of assessments against Joint Works land were received from the San

Carlos Irrigation and Drainage District. Among other things the District pointed out that in order for it to comply with required procedure for the levying of assessments against non-Indian land owners it would be necessary that any change in the amount of the assessment be made prior to March 1 of the calendar year preceding the year the change would become effective. The objection has been duly considered and the date of March 1, 1947 having passed it appears that to make the new rate effective for 1948 customary procedure for reflecting the increase on the County tax rolls of non-Indian lands could not be followed. It is accordingly determined that the proposed increase should be made to become effective in 1949. By virtue, therefore, of Authority delegated to me by the Commissioner of Indian Affairs (25 CFR 02.8) the said sections are hereby amended to read as follows:

§ 130.63 *Assessments, joint works.* Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary Acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the Order of the Secretary of the Interior of June 15, 1938 (25 CFR 130.69a-130.69m) the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1949 is estimated to be \$80,000 and the rate of assessment for the said fiscal year and subsequent years until further order is hereby fixed at 80 cents for each acre of land.

This per acre rate shall be assessed against the entire 100,000 acres of project lands under constructed works and shall include the cost of the administration of the Gila River Decree, but shall be exclusive of the costs of operating and maintaining the electric power generating plant at Coolidge Dam, the diesel plant at Coolidge, and the power transmission and distribution systems, which costs are payable from power revenues.

The assessment against the lands of the San Carlos Irrigation and Drainage District, for the fiscal year 1949 and subsequent years until further order, is payable on March 1 in advance of each fiscal year, as provided in §§ 130.69a to 130.69m, inclusive. Payment of the assessment against the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522) August 1, 1914 (38 Stat. 583, Title 25, U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476) March 7, 1928 (45 Stat. 210, Title 25, U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577) as amended by the act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San

Carlos irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1949 and subsequent years unless changed by further order, is hereby fixed at \$2.50 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply annually.

(33 Stat. 1081, secs. 1, 3, 36 Stat. 270, as amended, 37 Stat. 522, 38 Stat. 583, 43 Stat. 476, 45 Stat. 210, as amended, 50 Stat. 577, 52 Stat. 304; 25 U. S. C. 385, 387)

WM. H. ZER,
District Director.

[F. R. Doc. 47-6002; Filed, June 25, 1947;
8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

EXEMPTION FROM TAXES

JUNE 20, 1947.

By virtue of the authority vested in me by section 307 (c) of the Revenue Act of 1943 (Public Law 235, Seventy-eighth Congress) as amended by section 303 of the Revenue Act of 1945 (Public Law 214, Seventy-ninth Congress) exemption is hereby authorized: (1) from the taxes imposed by section 3465 of the Internal Revenue Code (26 U. S. C. 3465) as to any payment for telephone, telegraph, cable, radio, or leased wire services or facilities furnished directly to the United States and for which payment is made directly by the United States: *Provided*, That nothing in this authorization shall be construed to authorize any exemption as to payments for services or facilities furnished to a contractor, or other person, operating under a contract to perform work on behalf of, or to furnish articles or materials to, the United States Government or any agency thereof; (2) from the tax imposed by section 3469 of the Internal Revenue Code (26 U. S. C. 3469) as to any payment for transportation of persons furnished to the United States upon a United States Government transportation request; (3) from the tax imposed by section 3475 of the Internal Revenue Code (26 U. S. C. 3475) as to any payment for transportation of property to or from the Government of the United States shipped on a United States Government bill of lading.

NOTE: The text set forth above affects the notes following 26 CFR, 1944 Supp., 130.44, 130.61, and the note preceding 26 CFR, 1944 Supp., 143.20.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6025; Filed, June 25, 1947;
8:50 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor and Youth Employment Branch

[Reg. 28]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,¹ I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U. S. C., sec. 201.

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

This designation shall be effective from July 1, 1947 until June 30, 1948, unless this regulation is amended or repealed by regulation hereafter made and published by the Secretary of Labor.

(Sec. 12, 52 Stat. 1067; 29 U. S. C. 212)

Signed at Washington, D. C., this 19th day of June 1947.

KEEN JOHNSON,
Acting Secretary of Labor.

[F. R. Doc. 47-6005; Filed, June 25, 1947;
8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1,¹ Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, April 7, 1947, as amended through May 28, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 2515, 2773, 3064, 3153), is hereby revised and amended as herein set forth. New matter is indicated by underscoring.

§ 8301.52 *Location of disposal agency offices for filing declarations of surplus*

¹Refers to section 5, Child Labor Regulations No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 8 (1) and 11 (b) of the Fair Labor Standards Act of 1938, published in the FEDERAL REGISTER, vol. 3, page 2467, October 16, 1938; republished in the FEDERAL REGISTER, vol. 4, p. 1361, March 29, 1939.

²Reg. 1 (12 F. R. 2249, 2773, 3320).

property by owning agencies. (a) Disposal agencies shall notify the Administrator whenever a change is made in the location of any office at which declarations of surplus property are directed to be filed. All such changes will be carried into this order by amendment.

(b) Changes in the procedures for filing declarations of surplus prescribed in this order may be made on application to the Administrator.

(c) Except as provided in paragraph (d), declarations of surplus personal property located in the continental United States shall be filed at the following offices of the appropriate disposal agencies:

WAR ASSETS ADMINISTRATION

CAPITAL AND PRODUCERS GOODS AND CONSUMER GOODS

(Except aircraft and aircraft parts and electronic equipment)

Area and Address

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—37 Broadway, New York, N. Y.) Territory: Connecticut (Fairfield County only), New Jersey (northern part) Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnati, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central and southwestern part) Counties of: Bartholomew, Boone, Brown, Daviess, Dearborn, Decatur, Delaware, Dubois, Fayette, Franklin, Gibson, Greene, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Knox, Madison, Marion, Martin, Monroe, Morgan, Ohio, Owen, Pike, Posey, Putnam, Randolph, Ripley, Rush, Shelby, Spencer, Sullivan, Tipton, Union, Vanderburgh, Warrick, and Wayne; Kentucky (eastern part) Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin,

Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.

Region 5. Chicago, Ill. (Address—209 South La Salle Street, Chicago, Ill.) Territory—Illinois (northern part) Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moutrie, Ogle, Peoria, Platt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part) Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Wisconsin (Declarations of surplus property in the southern counties of Wisconsin which were formerly filed in this office shall hereafter be filed at Region 21, Address: 504 Metropolitan Life Building, Minneapolis, Minn.)

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., N. E., Atlanta, Georgia) Territory—Georgia.

Region 7 Fort Worth, Texas. (This office has been consolidated with Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 8 Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St.) P. O. Box 1037, Kansas City, Mo.) Territory—Missouri; Illinois (southern part) counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Iowa; Kansas; Nebraska; and Wyoming.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 728 15th St., Den-

ver, Colo.) Territory—Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory—California (northern part) Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Salano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 11. Seattle, Wash. (Address—1409 Second Avenue, Seattle 1, Wash.) Territory—Washington (eastern and western part) Counties of: Adams, Asotin, Benton, Chelan, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Okanogan, Pacific, Perki Orellie, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima; Idaho (northern part) Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; and Montana.

Region 12. Richmond, Va. (Address—East End 4th St., Richmond 24, Va.) Territory—Maryland; Virginia; District of Columbia; West Virginia.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory—North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., P. O. Box 4129, Jacksonville, Fla.) Territory—Florida.

Region 15. Cleveland, Ohio (Address—Higbee Building, East 13th St. and Euclid Ave., Cleveland, Ohio) Territory—Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part) Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., 535 Griswold St., Detroit 26, Mich.) Territory—Michigan (eastern part) Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon,

Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—412 West Market Street, P. O. Box 1259, Louisville 2, Ky.) Territory—Kentucky (western part) Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory—Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fifth St., North, Birmingham, Ala.) Territory—Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas; Mailing Address: P. O. Box 6030, Dallas 2, Texas.)

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory—Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Mo.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost & Bannister Rd. (95th St.) P. O. Box 1037, Kansas City, Mo.)

Region 23. Little Rock, Arkansas. (Address—Wallace Bldg., Little Rock, Ark.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas; Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 24. Omaha, Nebraska. (Address—601 WOW Bldg., Omaha 2, Nebr.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost and Bannister Road, (95th St.) P. O. Box 1037, Kansas City, Missouri.)

Region 25. Tulsa, Oklahoma. Address—2000 North Memorial Drive, P. O. Box 1409, Tulsa, Okla.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 26. Grand Prairie, Texas. (Address—Grand Prairie, Texas. Mailing address: P. O. Box 6030, Dallas 2, Texas.) Territory—Texas, Arkansas, Louisiana, Mississippi, and Oklahoma.

Region 27 Houston, Texas. (Address—7700 Wallisville Road, Hughes Strut Plant, Houston 1, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 28. San Antonio, Texas. (Address—3rd Floor, Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 29. Helena, Montana. (Address—Old High School Bldg., P. O. Box 1161, Helena, Mont.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 30. Salt Lake City, Utah. (Address—Building 3, 1710 South Redwood Road, P. O. Box 2220, Salt Lake City, Utah.) Territory—Utah; Idaho (southern part) Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada.

Region 31. Spokane, Washington. (Address—500 Welch Bldg., Spokane, Wash.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 32. Portland, Oreg. (Address—War Assets Admn., Swan Island, P. O. Box 4062.) Territory—Oregon; Washington (southwestern part), Counties of: Clark, Cowitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., 155 West Washington Blvd., Los Angeles 15, Calif.) Territory—California (southern part) Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

WAR ASSETS ADMINISTRATION

Aircraft. War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

Aircraft parts: (Salable and educational items) War Assets Administration, 6200 Riverside Drive, Municipal Airport, Cleveland 32, Ohio.

(Residual items and contract termination declarations) To regional offices as set forth above in paragraph (c)

Electronic equipment: (Salable and educational items) War Assets Administration, Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.

(Residual items and contract termination declarations) To regional offices as set forth above in paragraph (c).

MARITIME COMMISSION

Landing craft of all types, including LSTs. United States Maritime Commission, Washington 25, D. C.

NAVY DEPARTMENT

Navy Department, Office of the Assistant Secretary, Washington 25, D. C.

(d) (1) Declarations of surplus real property located in the continental United States, its territories and possessions, shall be filed with the War Assets Administrator, Washington 25, D. C. Declarations of surplus personal property which is to be declared surplus in conjunction with real property shall be prepared and filed as provided in § 8301.12 (a) of this part.

(2) Declarations of surplus agricultural commodities and foods processed from agricultural commodities shall be filed with the War Assets Administration, Washington 25, D. C.

(e) Declarations of surplus personal property, including aircraft, aircraft components and electronics, located in the territories and possessions of the United States shall be filed at the following regional offices:

WAR ASSETS ADMINISTRATION

Region 35. Hawaii. (Address—War Assets Administration, P. O. Box 3228, Honolulu, T. H.)

Region 36. Puerto Rico and the Virgin Islands. (Address—War Assets Administration, P. O. Box 4307, San Juan, Puerto Rico.)

Region 37. Alaska. (Address—War Assets Administration, P. O. Box 2466, Anchorage, Alaska.)

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b), and Executive Order 9689 (11 F. R. 1265))

This revision of this section shall become effective June 2, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 2, 1947.

[F. R. Doc. 47-6102; Filed, June 25, 1947; 11:40 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter C—Procedures and Forms

PART 51—PROCEDURES BEFORE THE SOLICITOR

RULES OF PRACTICE IN CASES ARISING UNDER POSTAL FRAUD, LOTTERY AND FICTITIOUS STATUTES

1. Amend § 51.9 (11 F. R. 12786) to read as follows:

§ 51.9 *Failure to answer or appear.* If the respondent fails to file an answer to the charges or to appear at the hearing either in person or by counsel, he shall be deemed to have waived the right to be heard.

2. Amend the second sentence of § 51.15 (11 F. R. 12786) to read as follows: "Trial examiners shall rule upon procedural motions and requests and

similar matters; hold conferences for the settlement of simplification of the issues by consent of the parties; rule upon offers of proof and receive oral or documentary evidence; regulate the course of the hearing and the conduct of attorneys and witnesses; require, when they deem necessary, oral argument upon any question raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter."

3. Amend § 51.22 (11 F. R. 12786) to read as follows:

§ 51.22 *Transcript.* (a) In all cases in which the respondent files answer and appears at the hearing either in person or by counsel, the record and transcript of the proceedings before the trial examiner shall be made by the recording and transcription system of the Office of the Solicitor. The transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof.

(b) In all cases in which the respondent fails to make answer to the charges or, having made answer, fails to appear at the hearing and avail himself of opportunity to cross-examine the witnesses presented by the Government, the trial examiner shall make and certify the record of the hearing in the following manner:

(1) The trial examiner shall prepare and certify a summary of the testimony of all witnesses appearing for the Government, identifying therein all documentary evidence submitted.

(2) The pleadings, the summary of the proceedings, the exhibits, and the respondent's brief, if any, shall constitute the official record upon which final determination of the issues in such case will be based.

4. Amend § 51.23 (11 F. R. 177A-146, 12786) to read as follows:

§ 51.23 *Oral argument and briefs.* The trial examiner shall determine whether he desires to hear oral argument, which, if permitted by him, shall be made at the conclusion of the hearing and shall be limited as to time and subject matter as directed by him. The trial examiner may permit the filing of briefs in any case where answer has been filed, and he shall give notice of such permission to each party from whom he desires a brief, fixing the time in said notice within which briefs must be filed; and he may indicate in such notice what issues of law or fact he desires to be argued in such briefs. If the trial examiner permits the filing of briefs, he shall direct that the respondent be loaned a copy of the transcript or the summary of the testimony for use in the preparation thereof. The copy of the transcript or the summary of the testimony so loaned shall be returned with the respondent's brief.

(R. S. 3894, sec. 213, 35 Stat. 1129, R. S. 5480, sec. 215, 35 Stat. 1130, secs. 3, 4, 5, 25 Stat. 873, 874, R. S. 3929, sec. 2, 26 Stat. 466, sec. 4, 28 Stat. 964, R. S. 4041, sec. 3, 26 Stat. 466; 18 U. S. C. 336, 338; 39 U. S. C. 255, 256, 257, 259, 732)

[SEAL]

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6004; Filed, June 25, 1947; 8:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[2d. Rev. S. O. 244, Amdt. 6]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Second Revised Service Order No. 244 (10 F. R. 2252) as amended (10 F. R. 3094, 11 F. R. 1300, 2190, 6910; 12 F. R. 47) and good cause appearing therefor: It is ordered, that:

Second Revised Service Order No. 244, as amended, be, and it is hereby, further amended by substituting the following paragraph (f) of § 95.244 *Distribution of grain cars*, for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon all State regulatory bodies regulating common carriers by railroad, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-6014; Filed, June 25, 1947;
8:51 a. m.]

[S. O. 369, Amdt. 14]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030) as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453, 10304, 11013, 14522; 12 F. R. 1606, 1724, 2053, 2453, 4029) and good cause appearing therefor: It is ordered, that:

Section 95.369 *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended, by adding the following paragraph (c) (6) thereto and substituting

the following paragraph (e) for paragraph (e) thereof:

(c) *Application.* * * *

(6) *Run-around cars.* On any constructively placed car, (subject to average agreement) which is run-around, not to exceed four debits may be offset by credits as provided by tariff provisions.

(e) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 25, 1947 and shall apply to cars on hand or constructively placed on and after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6019; Filed, June 25, 1947;
8:53 a. m.]

[S. O. 370, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 370 (10 F. R. 14031) as amended (10 F. R. 15176; 11 F. R. 639, 2383, 10304, 14523) and good cause appearing therefor: It is ordered, that:

Section 95.370 *Demurrage on State Belt Railroad of California*, of Service Order No. 370, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* That this section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and the State Belt Railroad of California, and upon the Association of and by filing it with the Director, Division, as agent of the railroads subscrib-

ing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-6017; Filed, June 25, 1947;
8:52 a. m.]

[S. O. 434, Amdt. 5]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 434 (11 F. R. 893) as amended (11 F. R. 2190, 10771, 12308; 12 F. R. 48) and good cause appearing therefor: It is ordered, that:

(a) Service Order No. 434, as amended, be, and it is hereby, further amended by substituting the following paragraph (f) of § 95.434, *Free time on box cars*, for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-6012; Filed, June 25, 1947;
8:51 a. m.]

[Rev. S. O. 534, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF EMPTY CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 534 (11 F. R. 9454) as

amended (11 F. R. 14108), and good cause appearing therefor: It is ordered, that:

Section 95.534 *Movequent of empty cars; appointment of agent*, of Revised Order No. 534, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485 sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6015; Filed, June 25, 1947;
8:52 a. m.]

[S. O. 646, Amdt. 2]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 646 (11 F. R. 14109) as amended (12 F. R. 2479) and good cause appearing therefor: It is ordered, that:

Section 95.646 *Icing at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.,

No. 125—2

and filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6016; Filed, June 25, 1947;
8:52 a. m.]

[S. O. 653, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572) as amended (12 F. R. 128, 1606, 1816, 1952, 2093, 4029), and good cause appearing therefor: It is ordered, that:

Section 95.653, *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (6) thereto and substituting the following paragraph (e) for paragraph (e) thereof:

(c) *Application.* * * *

(6) *Run-around cars.* On any constructively-placed car, (subject to average agreement) which is run-around, not to exceed four debits may be offset by credits as provided by tariff provisions.

(e) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 25, 1947, and shall apply to cars on hand or constructively placed on and after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6018; Filed, June 25, 1947;
8:52 a. m.]

[S. O. 692, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF LUMBER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 692 (12 F. R. 1685), as amended (12 F. R. 2479) and good cause appearing therefor: It is ordered, that:

(a) Service Order No. 692, as amended, be, and it is hereby, further amended by substituting the following paragraph (g) of § 95.692, *Lumber-restrictions on holding for diversion or disposition*, for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6020; Filed, June 25, 1947;
8:53 a. m.]

[S. O. 82, Amdt. 4]

PART 96—JOINT USE OF TERMINALS

JOINT USE OF TERMINALS AT LOUISVILLE, KY., FOR LIVESTOCK

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 82 (8 F. R. 8515) as amended (11 F. R. 8451; 9452, 12 F. R. 1168) and good cause appearing therefor: It is ordered, that:

Section 96.3, *Joint use of terminals at Louisville, Ky., for livestock*, of Service Order No. 82, as amended, be, and it is hereby, further amended by adding the following paragraph:

This order, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947, and it shall vacate and

supersede Amendment No. 3 to Service Order No. 82 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement un-

der the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W F BARTEL,
Secretary.

[F. R. Doc. 47-6013; Filed, June 25, 1947;
8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

17 CFR, Part 301

TOBACCO STOCKS AND STANDARDS

NOTICE OF PROPOSED AMENDMENT TO ESTABLISH TYPE 31-V UNDER CLASS 3, AIR-CURED TOBACCO

Consideration is being given to an amendment to the description of Class 3, Air-cured types and groups (7 CFR 30.5) of the standards for tobacco established pursuant to section 2 of the Tobacco Stocks and Standards Act, as amended (45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.) which amendment is designed to establish a type of tobacco to be known as Type 31-V under Class 3, Air-cured tobacco.

The proposed amendment under consideration is as follows:

Insert in § 30.5, Class 3: *Air-cured types and groups*, between the descriptions of Type 31 and Type 32, a new paragraph providing as follows:

Type 31-V Notwithstanding the definition of "Type" and "Type 31," any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, Air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one per centum (8/10 of 1%) oven dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31-V. No groups are applicable to Type 31-V.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposed amendment shall file the same with the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.)

Issued this 20th day of June 1947.

[SEAL]

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6010; Filed, June 25, 1947;
8:50 a. m.]

17 CFR, Part 9721

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at Gallipolis, Ohio, on March 7-8, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1400) upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 29, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER, June 5, 1947 (12 F. R. 3673).

The material issues presented on the record of the hearing were:

(1) Revising the Class I milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

(2) Revising the Class II milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

(3) Reviewing the provisions of the order relating to handler location ad-

justment deductions on producer milk for the purpose of modifying or deleting such provisions.

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The Class I milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential.

There has been a maladjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Tri-State area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipt of milk from producers varies greatly between the seasons of the year. The variation in the receipts of producer milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 it was nearly twice as great in June as in December. The cost of producing milk is considerably higher during the fall and winter months than May and June. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Tri-State market. A Class I price differential employing absolute floor prices in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level annual pattern of production.

Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Absolute floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

The record supports the adoption of a seasonal Class I price differential which compared to May and June, months of flush production, would be 10 cents higher for the 4 months of March, April, July, and August, and 25 cents higher for the 6 months of September through February. Normally the basic formula price will be from 20 to 40 cents higher during the short production months than for May and June. Also normally the per-

centage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 10 cents higher blend price compared to May and June. Adding these three factors together it is estimated that the blend price for the short production months will exceed the May and June prices from 55 to 75 cents. Recent price plans employed in the Tri-State area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or to the requirements of the local market. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that for this fall and winter the prices will be substantially higher than for May and June. An absolute floor price for Class I milk will give farmers this assurance. Furthermore, the level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Tri-State area. During the 18 months period (August 1945-January 1947) under the order the receipts of milk from regular producers was only 88 percent of the total milk utilized in Class I and Class II. It has been necessary for handlers to supplement producer milk in Class I and II with milk from other sources, usually not meeting the quality standard of regular producer milk.

Handlers objected to the recommended decision in connection with the seasonal price differentials by contending that there was no basis in the notice of hearing and hearing record for the inclusion of floor prices in the seasonal price pattern. Although floor prices were not referred to as such in connection with the seasonal price proposals, floor prices are only an adjunct to insure a minimum degree of seasonality, sought by handlers themselves, in the price pattern during the next few months of postwar abnormal market conditions. The weight of the evidence in connection with the pricing proposals disclosed the extreme urgency of leveling out milk production as soon as possible. To accomplish the needed increase in production during the short production months of 1947-48 season in this deficit milk supply area, definite assurance of adequate price seasonality must be given to producers at this time. The establishment of floor prices for the next few months as a part of the seasonal price pattern is simply a means of guaranteeing a definite amount of seasonality in the seasonal pricing plan proposed by producers and supported by both producers and handlers at the public hearing. It is concluded that such a price pattern will afford an incentive to shift milk production from spring to fall and winter months.

General economic conditions and business activity indicate a continued good demand for milk and milk products.

The price of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

Tri-State handlers compete with milk buyers in other areas for milk supplies to be used for fluid milk purposes. Milk dealers operating in Charleston, West Virginia, procure milk from farmers residing in the Tri-State milkshed. Some of these farmers were formerly producers for Tri-State handlers. Condenseries receiving both graded and ungraded milk in the Tri-State milkshed supply milk to fluid users in Charleston, West Virginia, and eastern cities. The Charleston, West Virginia, market is located in a deficit milk production area and is a constant competitive outlet for milk supplies of the Tri-State market area. Charleston, West Virginia, buyers of milk are soliciting producers in the Tri-State area and were offering \$5.60 per hundredweight during February, 1947, compared to \$4.76 paid by Tri-State handlers in the other than Huntington. The Waterford Creamery, Athens, Ohio, quoted a price of \$5.60 for the last half of January, 1947. The Crowley Dairy of Jackson, Ohio, quoted \$5.40 during February, 1947. Both of these quotations were for 4 percent butterfat Grade "A" milk to be shipped to eastern markets including Charleston, West Virginia. One Tri-State handler in Marietta, Ohio, is engaged in supplying milk procured in excess of his own fluid requirements to the Charleston, West Virginia, market.

The Class I differential over the basic formula price (18 midwest condenseries) was established November 1, 1946, when the basic formula price was relatively high compared to the prices paid by Southern Ohio condenseries and Charleston, West Virginia, handlers. Since that time the basic formula price and the resulting Class I price have decreased relatively lower than the prices paid by Ohio condenseries and Charleston handlers. The basic formula price declined 68 cents from November, 1946, to January, 1947. The Southern Ohio condenser average price declined 47 cents and the Charleston price remained approximately constant for the same period. Thus for January, the Class I price was at a 21-cent lower level compared to competing Ohio condenseries and 68-cent lower level compared to Charleston prices than when the present differential was established. This relative difference in prices makes the Tri-State milk supply more vulnerable to competing markets.

The trend of the costs of feeds, labor, and supplies incurred by producers in the production of milk has been upward during 1946 and 1947. The price of 16 percent dairy ration, a representative dairy feed, has increased substantially for the first 3 months of 1947 as compared to the same period of 1946. The price of this feed decreased somewhat from July, 1946 (the peak reached when ceiling prices were removed) until February, 1947. During February, and March, 1947, the price of mixed dairy feeds advanced sharply and established a new upward

trend. Attempting to find an index that will reflect many milk price making factors the order provides a basic formula price which is the price paid for manufacturing milk by a selected group of midwest condenseries. The basic price formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefor provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased 68 cents from November, 1946 to January, 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Handlers contend that since the present Class I differential was established, producer prices have advanced and some feed prices have declined, and for these reasons they urge that no change be made in the annual average level of the Class I differential. The present Class I differential of 95 cents and 75 cents for the Huntington and other than Huntington areas over the basic formula price was made effective November 1, 1946. The Huntington district Class I price for February, the latest price quoted in the record, was 99 cents less than the price for November. To continue the differential at the present level because some feed prices may have declined slightly since the differential was established would lose sight of the fact that whatever decline may have occurred in some feed prices has been accompanied by a considerably greater decline in milk prices and would ignore the other heretofore mentioned price-making factors and is therefore unwarranted. Handlers also minimize the competition between the Tri-State area and the Charleston, West Virginia, market and the local condenseries and assert that the "local condenser threat" is a fiction and that the Charleston threat is similar to that which has existed over a long period of time. However, the record shows that these competitive markets do have a substantial effect on the supply of milk in the Tri-State area and therefore must be considered in determining a Class I differential which will tend to procure and maintain an adequate supply of milk for the Tri-State market.

It is concluded that the proper weighing of the above mentioned price-making factors, a shortage of producer milk in

relation to fluid sales, a good demand for fluid milk, the increasing disparity between the prices of fluid milk and the prices of competing farm enterprises, the competition of other areas at higher prices for the Tri-State milk supply, and the disparity between local condenseries and basic formula prices, indicate the need for revising the level of the Class I price differential upward approximately 30 cents per hundredweight on an annual average. It is further concluded that the milk producers of the Tri-State area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basic formula. In order to obviate uncertainty inherent in the basic formula during abnormal postwar marketing conditions a "floor price" for Class I milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market. A Class I floor price for the other than Huntington district beginning July 1, 1947 of \$4.42 and increasing to \$4.86 beginning September 1, 1947 (44 cents below November 1946) will recognize this seasonality and result in prices well above the current level of May and June prices. Following a seasonal pattern, any decreases in the Class I prices which may be predicated on the basic formula price should be limited so that the maximum decline from December 1947 to January 1948 will be \$0.44, and similarly, that the maximum decline from January 1948 to February 1948 also will be \$0.44. These limitations will prevent any precipitous price drops immediately following the period for which greater production is to be encouraged.

Handlers objected to the recommended decision in regard to the higher level of class price differentials. However, it is concluded that the price differentials set forth below are necessary to reflect competitive conditions and the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

These changes are accomplished by revising the present year-round Class I price differentials of \$0.95 and \$0.75 for the Huntington and other than Huntington districts, respectively, above the basic formula price, to the following seasonal pattern:

Month	Huntington district	Other than Huntington district
May and June	\$1.10	\$0.90
March, April, July and August	1.20	1.00
Other 6 months	1.35	1.15
Average	1.25	1.05

Provided, That for the months of July and August, 1947, the prices for Class I

milk shall not be less than \$4.62 and \$4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than \$5.06 and \$4.86, respectively. And provided further That the Class I prices for January 1948 shall not be less than the December 1947 Class I prices minus \$0.44 and that the February 1948 Class I prices shall not be less than the January 1948 Class I prices minus \$0.44.

(2) The Class II milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential. The relationship between the present Class I and Class II differentials should be maintained month by month in the revised seasonal price pattern and in the floor prices.

The material facts with reference to revising the Class II price differential over the basic formula price to a seasonal pattern and a higher annual average level and the floor prices are the same as those set forth with respect to Class I.

(3) The provisions of the order relating to handler location adjustment deductions on producer milk should be deleted.

Handlers do not receive milk from producers except at a "fluid milk plant" as defined in § 972.1 (h) (1) of the order. Producers retain title to milk until it is received by a handler at a fluid milk plant as defined in § 972.1 (h) (1) of the order. No handler operates or has operated a fluid milk plant as defined in § 972.1 (h) (2) of the order and there is no evidence that such a plant will be operated. Location adjustments pursuant to § 972.8 (g) have not been made because producer milk was not received by a handler under such circumstances. Therefore § 972.1 (h) (2) and § 972.8 (g) are superfluous and should be deleted. These provisions of the order may be deleted without revising other provisions of the order.

The recommended decision contained rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as modified by the findings and conclusions set forth herein. Exceptions were filed on behalf of certain handlers subject to Order No. 72 with respect to certain of the findings and conclusions contained in the recommended decision. With regard to the exceptions filed by handlers to certain findings and conclusions of the recommended decision, this decision contains a ruling thereon in the discussion of the material issue to which the specific exception refers.

(4) General. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only

to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order Made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Tri-State marketing area" and "Order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as further amended by the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 20th day of June 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order,¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State mar-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

setting area. Upon the basis of the evidence at such hearing and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 972.1 (h) and substitute therefor the following:

(h) "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided*, That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.5 (b) and substitute therefor the following:

(b) *Class I milk prices.* Subject to the provisions of (e) (f) (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June.....	\$1.10	\$2.00
March, April, July, and August.....	1.20	1.60
September, October, November, December, January, and February.....	1.35	1.15

Provided, That for the months of July and August, 1947, the prices for Class I milk shall not be less than \$4.62 and \$4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than \$5.06 and \$4.86: *And provided further* That the Class I prices for January 1948 shall not be less than the December 1947 Class I prices minus \$0.44 and that the February 1948 Class I prices shall not be less than the January 1948 Class I prices minus \$0.44.

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June.....	\$3.60	\$0.60
March, April, July, and August.....	.70	.70
September, October, November, December, January, and February.....	1.05	.85

Provided, That for the months of July and August, 1947, the price for Class II milk shall not be less than \$4.32 and \$4.12 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than \$4.76 and \$4.56: *And provided further*, That the Class II prices for January 1948 shall not be less than the December 1947 Class II prices minus \$0.44 and that the February 1948 Class II prices shall not be less than the January 1948 Class II prices minus \$0.44.

4. Delete § 972.8 (g)

[F. R. Doc. 47-6008; Filed, June 25, 1947; 8:49 a. m.]

17 CFR, Part 9741

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended

and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at Columbus, Ohio, on March 10-14, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on Feb. 27, 1947 (12 F. R. 1400), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 21, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER May 24, 1947 (12 F. R. 3352).

The material issues presented on the record of the hearing were:

(1) The clarification of the definition of a "fluid milk plant" by the inclusion in the order of a definition covering a "route."

(2) Introduction of a "producer-handler" definition with three conforming changes in the order.

(3) The inclusion of a definition of a "market pool handler" together with conforming changes including a provision for payment to producers by handlers other than market pool handlers on an individual-handler pool basis.

(4) Reports by the market administrator to the cooperative association covering the utilization of producer milk by each handler.

(5) A change in the classification of milk used to produce cottage cheese from Class II milk to Class III milk.

(6) A change in the classification of inventory from Class I milk to Class IV milk.

(7) Revision of the shrinkage provision to permit a cumulative basis for determining shrinkage classification in Class IV milk and a change in the method of allowing shrinkage on milk diverted to the plant of a handler.

(8) The substitution of sworn statements for audits to verify the utilization of milk or cream transferred by handlers to nonhandlers.

(9) Revision of the provisions covering the allocation of milk.

(10) Revision in the method of determining basic price formulas.

(11) A change in the level and seasonal pattern of class prices and in the emergency price provisions.

(12) The determination and announcement of the uniform price to producers on a 3.5 percent butterfat basis, replacing the present 4 percent basis.

(13) Replacement of the current market-wide pool by an individual-handler pool.

(14) The inclusion in the order of conversion factors covering certain dairy products.

(15) The elimination of payments into the pool by handlers on receipts from producer-handlers.

(16) Revision of the section providing for administrative assessments.

(17) Revision of the section providing for marketing services.

(18) General.

Findings and conclusions. The recommended decision contained rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as they are modified by the findings and conclusions set forth herein.

Exceptions were filed on behalf of the Central Ohio Cooperative Milk Producers, Inc. and all handlers subject to Order No. 74 with respect to certain of the findings and conclusions contained in the recommended decision. The handlers excepted generally to the failure of the recommended decision to recommend the adoption of certain amendments to the order proposed by them, but such exception does not indicate in what respects the findings and conclusions, referred to in such general exception, are contrary to the evidence. The implied request to make different findings and conclusions on the issues covered by the general exception is denied.

No specific exceptions were filed with regard to the findings and conclusions of the recommended decision on issues (1), (2), (4) (5) (6) (13) (14) (15) (16) and (17). The findings and conclusions hereinafter set forth on these issues are substantially the same as those contained in the recommended decision. With regard to the specific exceptions to certain findings and conclusions of the recommended decision, filed by either producers or handlers, this decision contains a ruling thereon in the discussion of the material issue to which the specific exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The term "route" should be defined and the term "fluid milk plant" should be revised in conformance with the new language added by the definition of "route."

There has arisen a question concerning the status as a fluid milk plant, of any plant located outside the marketing area from which Class I milk may be disposed of directly to a state or municipal institution located in the marketing area. The revision will clarify the meaning of "wholesale or retail routes" now contained in the definition of "fluid milk plant" and eliminate any such question.

(2) The inclusion in the order of a definition of "producer-handler" is not necessary at this time.

The inclusion of such a definition would not change the meaning of the present order, but merely shorten the language in several provisions. It is concluded that this revision be deferred until such time as the entire order is rewritten. The three other proposals providing for conforming changes with respect to the

producer-handler definition are likewise deferred until such times as an appropriate definition is included in the order.

(3) A definition of a "market pool handler" should not be included in the order.

This definition was intended to distinguish between handlers who sold 25 percent or more of the receipts of their milk from producers and other handlers as Class I milk during the delivery period. Producers furnishing milk to handlers in the former group would receive a uniform price for their milk on the basis of the combined utilization of milk by all handlers in such group while producers supplying the latter handlers would receive a price on the basis of the individual handler's utilization of milk.

There are no handlers marketing less than 25 percent of their producer receipts as Class I milk at the present time. Hence, there is no handler to whom the proposal would apply. There is no substantial evidence to support the percentage proposed or any other specific percentage. Moreover, there is no justification for providing a means whereby the prices received by some producers should be less than the price received by other producers. A similar proposal was considered at the promulgation hearing, but was not adopted and no evidence was presented to show changed conditions in this respect. For the foregoing reasons, it is concluded also that the four other conforming proposals relative to the proposed pooling arrangements should not be adopted. The exceptions filed by handlers do not present any compelling reasons for findings and conclusions on this issue different from those contained in the recommended decision.

(4) The proposal by the Central Ohio Cooperative Milk Producers Association, Inc., that the market administrator should furnish to each cooperative association a monthly report with respect to each handler of "the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b)" should not be adopted at this time.

The health requirements applicable to milk for Class II and Class III uses are the same as those for Class I uses. The price levels decided upon for the several classes take this fact into account. There was no evidence to indicate that producer milk is being used in Class III in excessive quantities during the periods when such milk might be used in Class I. In view of this, it does not appear that the adoption of the proposal at this time is necessary to effectuate the market-wide pool provisions of the order or to establish producer prices at the proper level. Likewise the same conclusion and supporting findings are applicable to the alternative proposals offered in this connection.

(5) The proposal with respect to classifying skim milk and butterfat used in cottage cheese as Class III milk rather than as Class II milk should not be adopted.

Cottage cheese is a year-round product which must be made from fresh, inspected milk and cream. There is no evidence to indicate that cottage cheese is utilized merely as an outlet for the

"seasonal surplus" milk of the Columbus market, although during the past year larger quantities of cottage cheese were made in May and June than in October and November. The classification of this product in a lower-priced class would tend to encourage the use of milk in cottage cheese when milk is needed for use in the higher-priced classes.

(6) A proposal to classify inventory variation in Class IV milk rather than in Class I milk should not be adopted. The bulk of inventory variation is in the form of whole milk. Its ultimate use has not been determined at the time handlers are required to make reports to the market administrator. Most of inventory variation is ultimately used in and classified as Class I milk. There is no difference in final cost to handlers or in returns to producers resulting from either method of classification.

The reasons given for proposing this change in inventory classification were that the present method results in distorted statistics for the market. The evidence failed to show, however, that the suggested change would lessen this distortion even if inventory were classified in Class IV milk.

(7) (a) The proposal for the accounting for shrinkage in Class IV milk on a cumulative basis from January 1 of each year through the current delivery period should not be adopted.

The proposal has the effect of changing the definition of "delivery period" with respect to the classifying of shrinkage. The great bulk of milk must be utilized within the month during which it is received. The competitive position of handlers relative to milk supplies varies widely from month to month and seasonally. In view of these variations it would appear that the greatest equity would result from the computation of handlers' costs on as current a basis as is practical. The accounting for shrinkage on a cumulative basis would be administratively burdensome because audits would not be closed until the end of the calendar year. Producers recommend that shrinkage classified in Class IV milk should be limited to 1 percent on butterfat and 2 percent on skim milk. The record does not contain sufficient evidence to justify a decrease in the maximum percentage allowance for shrinkage. In view of these facts there appears to be no substantial reason for changing the present shrinkage allowance at this time. Accordingly, no modification of the findings and conclusions contained in the recommended decision on this issue should be made as a result of the producer exceptions.

(b) The shrinkage allowance on milk diverted by a handler to the plant of another handler should be allowed to the latter handler. This would permit the second handler the shrinkage allowance on all milk for which he is the first receiver. This change in shrinkage accounting will not change substantially the total shrinkage of handlers or returns to producers and will provide greater convenience to handlers in settling for interhandler transfers.

(a) The substitution of "sworn statements" for "audits" in the provision covering the transfer of milk and cream by

handlers to nonhandlers should not be adopted.

There was no evidence that nonhandlers had refused to buy milk from handlers because of the auditing requirements. Moreover, the evidence indicated that the only practical method of verifying the claimed utilization of milk is by audit whether the claimed utilization is by a handler or a nonhandler.

With regard to the exceptions of handlers to the findings and conclusions contained in the recommended decision on this issue, the record does not indicate it will be impractical for the market administrator to verify the reported utilization of producer milk transferred by a handler to a nonhandler.

(9) (a) The proposal to allocate all or a portion of "other source milk" to Class I milk during the period when producers fail to deliver milk in an amount equal to 115% of the handler's Class I milk sales should not be adopted.

A portion of the "other source milk" received in the market does not meet the health requirements applicable to milk for Class I uses. Such milk should not be given preferential treatment over producer milk, or allocated to a class in which its utilization is not permissible. The only "other source milk" which may be used properly as Class I milk is controlled by one handler. Under these conditions, any preference given to such milk would tend to give an undue advantage to the handler controlling it.

The alleged purpose of the proposal was to encourage producers to supply a quantity of milk sufficient to meet the Class I needs of the market at all times. In support of their proposal, handlers contend, in their exceptions, that the order as now written, "rewards producers for under-production, for, through under-production more of their milk is allocated to Class I." This contention is contrary to the commonly accepted principle that higher prices will tend to stimulate production. The Columbus market is available to all dairy farmers who can meet the health requirements and is not limited to the producers now supplying the market. The total milk supply is dependent upon the supply responses of all producers now qualified under prevailing health requirements, or who may become so qualified. The proper pricing of milk should do more to bring forth an adequate supply of milk by stimulating an increase in the production of present producers and by providing an incentive for new producers to come on to the market, than would the handlers' proposal here considered. The seasonal pattern of prices decided upon should encourage the needed production of milk not only for Class I use, but also for all uses requiring qualified milk at all seasons of the year.

(b) The sequence in the allocation provision should not be changed. The current method of allocation is necessary for the proper protection of the classification of producer milk. A change in the sequence would be inconsistent with the classification of producer milk in the higher priced classes. The evidence does not warrant the adoption of the proposed change. The handlers' exceptions do not warrant any modification of the As-

sistant Administrator's findings and conclusions on this issue.

(10) (a) The method of determining the basic formula price for milk should not be changed.

The Columbus basic formula price is based upon the price paid by 18 midwestern condenseries or on a butterfat-nonfat dry milk solids formula price, whichever is the higher. The present basic formula price has reflected very closely the prevailing price for manufacturing milk in the vicinity of the Columbus market. Competitive manufacturing outlets for milk in the Columbus milkshed include condenseries and butter and powder plants some of which also produce certain specialty milk products. There is little or no direct competition by cheese factories for milk produced in this area. In view of these facts the higher of the condenser pay price or the price resulting from the butter and nonfat dry milk solids formula is currently more representative of competitive manufacturing prices than any combination of formula prices as proposed for the determination of the basis formula price. Moreover, the evidence indicates that Columbus prices must be placed in better alignment with prices in other regulated markets in Ohio, in order that Columbus handlers may compete for supplies of milk on an equitable competitive basis. At the present time the class prices in these competitive Federal order markets are based on a formula similar to that contained in the present Columbus order.

(b) The make allowance on butter in the basic formula price should be increased from 3 cents to 3.5 cents per pound, but the present 4 cent make allowance on nonfat dry milk solids should not be changed.

The record indicates the cost of making butter to be slightly above 3 cents per pound and the cost of making nonfat dry milk solids to be approximately 4 cents per pound. The make allowance on butter and nonfat dry milk solids of 3.5 cents and 4 cents per pound, respectively, is therefore reasonable. The evidence relied upon by the handlers in excepting to the allowance for the cost of making nonfat dry milk solids was outweighed by other testimony on this point.

Except with respect to the make allowance for butter there should be no change in substance of the butter and nonfat dry milk solids formula. However, the language in the current order describing this formula may be simplified and clarified. Since it is decided that the pricing provisions of the order be revised in the manner hereinafter set forth, it is concluded that, as a part of such revision, the butter-nonfat dry milk solids formula should be rewritten for brevity and to identify more clearly the price quotations for butter and dry-milk solids used therein. The latter revision will not change the quotations used or the method of computation.

(c) The respective basic formula prices for skim milk and butterfat should be expressed as direct ratios to the basic price per hundredweight of milk.

Under the pricing provisions of the current order the value of butterfat for

each class in each bracket varies from slightly less than 70 percent to slightly more than 74 percent of the price of 3.5 percent milk in the lowest bracket as compared to the highest bracket reached during the first full year in which the order was in operation. For the same period, the average of the percentage relationships of the value of butterfat to the respective class prices of 3.5 percent milk for each month was 72.8 percent. The average basic formula price, as pointed out in the fluid milk handlers' exceptions, would fall within the range of the \$3.50 to the \$3.75 bracket. In this bracket the average relationship of the value of butterfat to the value of 3.5 percent milk in Class I milk, Class II milk, and Class III milk was 73.07. It is concluded that the use of 73 percent for determining the value of butterfat for each class will maintain the approximate relationship that has existed during the past year. This will result in a skim milk price in each class equal to 27 percent of the class price of 3.5 percent milk. Therefore, the per hundredweight price of skim milk in each class is equal to .2793 times the respective per hundredweight class price and the per hundredweight price of butterfat is equal to 20.86 times the per hundredweight class price. The price plan adopted this relationship of skim milk and butterfat prices in the basic formula price. Thus, the basic formula price per hundredweight of skim milk is expressed as .2793 times the basic formula price of milk and the basic formula price per hundredweight of butterfat is expressed as 20.86 times the basic formula price of milk. To these values will be added the appropriate differentials to obtain the class price which has been found necessary to effectuate the declared policy of the act.²

(11) (a) The "bracket" system of establishing Class I, Class II, and Class III prices should be eliminated.

The milk shed for the Columbus marketing area overlaps the milk sheds of other Ohio marketing areas operating under orders issued pursuant to the act and of other alternative outlets for market milk. Price changes resulting from the bracket system have disturbed the balance between the Columbus market price and the prices of such alternative outlets.

Moreover, the bracket system has promoted uncertainty with respect to class prices when the basic formula price has fluctuated at a level near the outer limits of a particular bracket.

(b) Class prices for skim milk and butterfat should be established by stated differentials over the basic price for skim milk and butterfat at levels which will result in increased uniform prices to producers.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, equipment, and hauling, have increased during the past year and particularly during February and March of this year.

The Columbus market has been short of producer milk in nearly every month

²See findings and conclusions in paragraph (11).

of the past year. Substantial quantities of other source milk have been received as supplementary supplies.

Other fluid milk markets and alternative outlets for milk, such as, the Cleveland market, the Dayton-Springfield market, Nestle Milk Products, Inc., and the M & R Dietetics Laboratories, Inc., are in competition with the Columbus market for much of the supply of producer milk. The prices paid farmers for all milk at these outlets ranged from 12 cents to 80 cents per hundredweight over the Columbus order minimum uniform price during the period October, 1946, through February, 1947. Also, at times handlers have paid higher prices for inspected "other source" milk than the minimum uniform price for producer milk.

Columbus handlers paid premiums over the minimum prices to protect supplies during the short production season of 1946.

Economic conditions and business activity in the Columbus market indicate continued strong demand for milk and milk products in the Columbus market. Consumption of fluid milk in the Columbus marketing area during February, 1947, was 3.93 percent higher than during February, 1946.

A better alignment is needed between class prices in the Columbus market and other Ohio markets under regulation.

Class differentials above the basic manufacturing value of milk, in addition to meeting the cost of stricter sanitary requirements of inspected milk (its principal justification according to the handlers' exceptions), should reflect also any relative change in the cost of producing inspected milk as compared to the cost of producing manufacturing milk and the competitive and other economic conditions affecting the supply of and demand for milk in the Columbus market. The Class I, Class II, and Class III milk price differentials over the basic formula price, as set forth below, together with the modified Class IV prices, will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

The Class I, Class II, and Class III price differentials over the basic formula price on a 3.5 percent butterfat content milk basis should be as follows:

	August through March	April through July
Class I.....	\$1.00	\$0.75
Class II.....	.75	.50
Class III.....	.60	.35

Provided, That Class I prices are not less than \$4.20 per hundredweight during August, 1947, \$4.64 per hundredweight during September through December, 1947, that Class II prices are not less than such Class I prices minus 25 cents, respectively, that Class I and Class II prices for January, 1948, are not less than such prices for December, 1947, minus 44 cents, and that such prices for Feb-

ruary, 1948, are not less than such prices for January, 1948, minus 44 cents.

Under basic formula price level conditions which prevailed during the first 12 months under the Federal Order (averaging about \$3.60 per hundredweight) it is estimated that these stated differentials would have increased the average spread of class prices over the basic formula price between 45 and 50 cents per hundredweight. Under a lower level of basic formula prices (i. e., a price level in the neighborhood of \$3) this increase would have averaged between 35 and 40 cents per hundredweight. The greater amount of increase at higher levels of basic prices, as pointed out by handlers' exceptions, is the result of establishing class prices by direct differentials over the basic price as compared with the bracket system under the provisions of the current order.

The price of Class IV milk should be changed only to provide that butterfat used in the manufacture of butter should be given a make allowance of \$4.20 per hundredweight butterfat so used in conformity with our finding for a 3½ cent per pound make allowance for butter in the basic formula.

The conversion of the class differentials stated above to a skim milk and butterfat price basis (in the same manner as these prices are determined from the basic formula price of milk) results in the following differentials for skim milk and butterfat in Class I milk, Class II milk, and Class III milk:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk.....	\$0.2798	\$0.2098	\$20.86	\$15.64
Class II milk.....	.2098	.1399	15.64	10.43
Class III milk.....	.1679	.0979	12.52	7.30

(c) The Class I, Class II, and Class III price differentials should be higher during the short production season than during the flush production season.

The 4 months of relatively high production are April through July. Producers excepted to the inclusion of July as a "flush month," however, the level of production per farm in July is substantially the same as in April. The spread between the high and low production periods in the Columbus market has increased in recent years. There is an extreme shortage of milk in the fall and winter months. The producers' association and the handlers have advised producers of the need and benefits of more even production. Other competing markets, such as Cleveland, provide for seasonal pricing of milk. This places the Columbus market in an unfavorable competitive position particularly during the fall and winter months. Handlers of the Columbus market paid premiums during the fall of 1946 to protect their supply. Producers should be given a price incentive to even out production during the year.

Under the conditions of maximum milk production during the war, production shifted to the spring months when

production costs are at their lowest level. To halt and reverse this trend requires definite assurance that fall and winter prices will be substantially higher than during the flush season. Shifting to increased fall milk production involves substantial additional costs. These costs include breeding difficulties, additional feeding and the cost of purchasing additional fall freshening cows. It is too late to adjust breeding programs for increased milk production this fall. Extra feeding and special care of spring freshened cows will be necessary, therefore, to increase the supply of milk during the coming fall. Over a period of time the seasonal class price differentials over basic prices should provide the necessary higher prices during the short production season as compared with the flush season. However, this year under present abnormal postwar market conditions producers are in need of more assurance as to the extent of the seasonal swing in milk prices than is afforded by the pricing formula alone in order that they may now plan for this year's fall and winter production. This will be accomplished by establishing "floor prices" during the fall of 1947 and the early months of 1948. The level of "floor prices" for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and to assure farmers of higher prices during the season when an increase in milk production is most needed by the market.

A Class I floor price beginning August 1, 1947, of \$4.20 and increasing to \$4.64 (approximately 1 cent per quart below November 1946) for the period September through December, 1947, will assure prices to producers well above the May and June level of prices and should result in increased production for this fall and winter. The relationship of the Class II price to the Class I price should be maintained substantially the same as under the current order. Following a seasonal pattern, the drop from December, 1947, to January, 1948, should not exceed 44 cents per hundredweight (approximately 1 cent per quart) and any further drop which might be indicated by the formula for February should be limited to not more than 44 cents. The limitation of any price decrease from December to January and January to February will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

The floor price for Class I milk for August, expressed in terms of skim milk and butterfat, is equal to a per hundredweight price of \$1.175 and \$87.61, respectively, and the Class II price \$1.105 and \$82.40, respectively. During the period September through December, 1947, the per hundredweight Class I price for skim milk is \$1.298 and for butterfat \$96.79 and the Class II prices \$1.228 and \$91.58, respectively. The 44 cent decrease in floor prices provided for in January and February, respectively, is equivalent to \$0.123 and \$0.18 per hundredweight of skim milk and butterfat, respectively.

Handlers proposed an even-production incentive plan through a "take-out and pay-back" system of establishing uniform prices on a seasonal basis (sometimes known as "Louisville plan"). Producers objected strenuously to this plan. The successful operation of such a plan necessitates wide-spread producer approval and cooperation. For this reason this plan is not feasible for the Columbus market at this time. Many of the objectives of the plan outlined by handlers should be accomplished by the establishment of class prices on a seasonal basis.

(d) The emergency price provision, § 974.5 (g) (2) should be revised to cover Class III milk.

This section provides for the suspension of Class I and Class II milk prices by the Secretary under certain conditions. Under the present wording it would be possible for the Class III milk price to exceed the Class I or Class II price. Such a result would be inconsistent with the classified pricing plan of the order.

The Class IV price should not be included in the emergency price provision. The Class IV price is based upon open market prices of products not requiring inspected milk. No useful purpose could be served by including the Class IV price under this provision.

No change should be made in § 974.5 (g) (1) the general emergency price provision. This provision has not created any problem in the Columbus market.

(12) Uniform prices for milk to producers should be announced on the basis of 3.5 percent butterfat content rather than on a 4 percent basis as in the current order.

This change will not affect the handlers' cost of milk. Because of this the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to the producer. The evidence indicates that producers would prefer to receive payment based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the basis of their payments for milk tends to produce more orderly marketing conditions and should be adopted, particularly when the change in such method of payment does not change in any way the handlers' cost for milk. Moreover, the producer prices are announced on the proposed basis in most other Ohio markets as well as in many other markets throughout the country. Statistical comparisons of producer prices on the Columbus market and other markets would be facilitated if prices were announced on a 3.5 percent basis.

The Columbus order requires a handler to pay for skim milk and butterfat at class prices. Therefore, handlers' costs of milk are dependent solely on the class prices of skim milk and butterfat, whereas the uniform prices to producers is merely a method of distributing this money to producers. The effects attributable to the adoption of the proposal by the handlers' exceptions are highly speculative, and if they occur, their primary cause will be some factor other than the change in the basis for announcing prices to producers.

(13) A proposal under which payments to producers would be computed on the basis of an individual-handler pool should not be adopted.

Under the current market-wide pool all producers receive a uniform price computed on the basis of the combined classification of milk received by all handlers. An individual-handler pool would establish as many different prices as there are handlers. It was indicated this would tend to breed dissatisfaction among Columbus producers. The facilities for handling "surplus" milk are limited to a few plants. Evidence in the hearing record failed to establish any new facts which would change the original conclusions providing for a "market-wide pool" when the original order was promulgated.

(14) A new provision requiring, in connection with the computation of product weights, the use of the "standard of weights" of the Bureau of Dairy Industry, United States Department of Agriculture, should not be included.

The Bureau of Dairy Industry, United States Department of Agriculture, has not issued any official standards of weights for dairy products. The problems indicated in connection with the ascertaining of proper weights by the market administrator are not peculiar to the Columbus market. Weight factors are necessary in the computation of class volumes of milk under any classified price plan. The provisions of several orders under joint administration with Columbus are very similar, and appropriate weight factors may better result from rule-making procedure by the market administrator. This will permit a more flexible arrangement for the employment of weight factors to be used under similar order provisions.

(15) The requirement that payments be made into the pool on milk transferred from a producer-handler to a handler should be eliminated.

Producer-handlers transfer an insignificant amount of milk to regular handlers. Most transfers are in the flush season and such milk is used in the lower-priced uses. The milk of producer-handlers is eliminated from the pool in a manner similar to other source milk—in series from the lowest-priced uses. This treatment of producer-handler milk protects adequately the proper classification of producer milk.

(16) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market administrator (subject to review by the Secretary) and (ii) elimination of the announcement by the market administrator on or before the 10th day after the end of the delivery period of the applicable rate of assessment for the delivery period.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be un-

necessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

(17) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant.

(18) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Columbus, Ohio, marketing area" and "Order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless

and until the requirements of § 900.14 of this chapter of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 20th day of June 1947.

[SEAL] N. E. Dodd,
Acting Secretary of Agriculture.

Order,¹ Amending the Order as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

§ 974.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 C. F. R., Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in

connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s) wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraph:

(1) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s) including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

3. At the end of § 974.4 (b) (4) change the period to a colon and add thereafter the following: "Provided, That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage."

4. Delete § 974.5 and substitute therefor the following:

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices of skim milk and butterfat respectively shall be computed by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

COMPANIES AND LOCATIONS

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight by adding together the amounts resulting under subdivisions (1) and (1) of this subparagraph:

(1) From the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), roller and spray process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and multiply by 0.965.

(3) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 0.2798 (which amount shall be known as the basic formula price per hundredweight of skim milk) and

(4) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 20.86 (which amount shall be known as the basic formula price per hundredweight of butterfat)

(b) *Class I milk, Class II milk, and Class III milk prices.* Subject to the provisions of paragraphs (d) and (e) of this section, the minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk, Class II milk, and Class III milk, respectively, shall be determined by adding the appropriate amounts set forth in the following schedule to the basic formula prices per hundredweight of skim milk and butterfat, respectively, for the delivery period:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk.....	\$0.2793	\$0.2083	\$20.86	\$15.64
Class II milk.....	.2093	.1393	15.64	10.43
Class III milk.....	.1679	.0979	12.62	7.30

Provided, That in no event shall the price of skim milk or butterfat in any such class be lower, respectively, than the skim milk and the higher butterfat prices, in Class IV milk: And provided

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

further That for the month of August, 1947, the prices per hundredweight for skim milk and butterfat in Class I milk shall not be less than \$1.175 and \$87.61, respectively, and in Class II milk not less than \$1.105 and \$82.40, respectively; and for the months of September, October, November, and December, 1947, such prices for skim milk and butterfat in Class I milk shall not be less than \$1.298 and \$96.79, respectively, and in Class II milk not less than \$1.228 and \$91.58, respectively. And provided also, That the prices per hundredweight for skim milk and butterfat in Class I milk and Class II milk for January, 1948, shall not be less than the December, 1947, prices of skim milk and butterfat in such classes minus \$0.123 and \$9.18, respectively, and such prices for February, 1948, shall not be less than such prices for January, 1948, minus \$0.123 and \$9.18, respectively.

(c) *Class IV milk prices.* Subject to the provisions of paragraph (e) of this section the minimum prices to be paid by each handler for that portion of skim milk or butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the prices determined pursuant to paragraph (a) (2) (ii) of this section, divided by 0.965; and

(2) The price per hundredweight of such butterfat shall be the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat made in butter shall be such price per hundredweight less \$4.20.

(d) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar pay-

ment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk, Class II milk, or Class III milk computed for any delivery period pursuant to paragraph (b) of this section is above a level which is in the public interest, the price of Class I milk, Class II milk, or Class III milk for such delivery period shall be the same as the corresponding price for Class I milk, Class II milk, or Class III milk for the delivery period immediately preceding.

5. Delete from § 974.6 (a) the following proviso: "*Provided*, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

6. Delete from § 974.6 (c) (3) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

7. Delete from § 974.6 (c) (5) the term "4.0 percent" and substitute the term "3.5 percent."

8. Delete from § 974.7 (f) the section reference "§ 974.5 (e) (2)" and substitute therefor the section reference "§ 974.5 (c) (2)".

9. Delete the provisions of § 974.8 and substitute therefor the following:

§ 974.8 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

10. Delete the provisions of § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services.*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler shall deduct from his payments, pursuant to § 974.7 (a) 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk (except such handler's own production) received during each delivery period, and shall pay such deduction to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples,

and tests of such producer milk and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

[F. R. Doc. 47-6039; Filed, June 25, 1947; 8:49 a. m.]

17 CFR, Part 9751

[Docket No. AO-179-A1]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supps. 901 et seq., 11 F. R. 7737, 12 F. R. 1159) as amended, notice is hereby given of a hearing to be held at the Carter Hotel, 1012 Prospect Avenue, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., June 30, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and order regulating the handling of milk in the Cleveland, Ohio, marketing area (11 F. R. 8207). These proposed amendments have not received the approval of the Secretary of Agriculture:

The following amendments have been proposed:

In § 975.1 *Definitions:*

By the Dairy Branch, Production and Marketing Administration:

1. Amend § 975.1 (c) (2) (ii) by substituting the numeral "50" for the numeral "10"

2. Delete § 975.1 (o) and substitute therefor the following:

(o) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk or flavored milk drink in fluid form to a wholesale or retail stop(s) including any eating place where such items are disposed of for consumption on or off the premises other than a pool plant(s) or a nonpool plant(s).

In § 975.3 *Pool plant:*

By Milk Producers Federation of Cleveland:

3. Amend § 975.3 (a) (2) (i) by adding to list of pool plants the following: "Cleveland, Ohio _____ Milk Producers Federation of Cleveland."

By Milk Market Survey Committee:

4. Amend § 975.3 (a) by adding after the word "except" the following phrase "an ice cream plant operated either by a pool handler or a non-pool handler, and."

In § 975.4 *Reports, records, and facilities:*

By the Dairy Branch, Production and Marketing Administration:

5. Delete § 975.4 (a) and substitute therefor the following:

(a) *Delivery period reports of receipts and utilization.* On or before the

8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a non-pool plant from a pool plant, skim milk and butterfat received in any form at a non-pool plant which is wholly or partially owned or controlled by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a non-pool plant referred to in § 975.1 (g) (2) in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

In § 975.5 Classification.

By the Dairy Branch, Production and Marketing Administration:

6. Amend § 975.5 (a) by inserting between the words "plant(s)" and "shall" the following "and his nonpool plant(s) located within the marketing area referred to in § 975.4 (a) "

By Milk Producers Federation of Cleveland:

7. Amend § 975.5 (b) (1) (ii) by striking out the numeral "100" and inserting the numeral "160."

8. Amend § 975.5 (g) (2) (i) by adding after the word "producers" the words "and pool plants" and by adding after the word "section" the parenthetical phrase, "(exclusive of reconstituted skim milk)"

By Milk Market Survey Committee:

9. In § 975.5 (b) (1) (i) delete the words "sweet or sour cream" in the third line.

10. In § 975.5 (b) (1) (ii) delete words "except cream" in third line and substitute "150 miles" for "100 miles" in the fourth line.

11. Delete § 975.5 (b) (1) (iii)

12. Delete § 975.5 (b) (1) (iv)

13. Delete § 975.5 (b) (2) and substitute in lieu thereof the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in fluid form as sweet or sour cream (except sweet or sour cream sold for Class III purposes)

14. Delete § 975.5 (b) (3) and substitute in lieu thereof the following:

(3) Class III milk shall be all skim milk and butterfat: (i) Used for any purpose other than Class I or Class II above, including but not limited to skim milk and butterfat used to produce ice cream, imitation-ice cream, and other frozen desserts and mixes for similar products (liquid or powdered), or storage cream (cream placed in a licensed cold storage warehouse to remain for a period of not less than 30 days, and which is subject at all times, while in such warehouse to inspection by the market administrator to determine the physical

presence of such cream) butter, butter oil; cheese (including cottage cheese) bulk condensed skim milk or whole milk (sweetened or unsweetened) evaporated or condensed milk (or skim milk) in hermetically sealed cans, casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed; and

(ii) Actual shrinkage on milk received from producers and on other source milk:

15. In § 975.5 (c) substitute in lieu of the first sentence, the following: "The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in inter-handler transactions where producer milk of one handler is delivered directly to another handler's plant and in other source milk received in the following manner:"

16. In § 975.5 (e) (2) substitute in lieu of present language, the following: "Any skim milk or butterfat classified (except that classified pursuant to (b) (1) (ii) of this section) in one class shall not be reclassified when used or reused by such handler or by another handler in another class."

17. Amend § 975.5 (g) (2) (i) by changing "105 percent" to "115 percent."

In § 975.6 Minimum prices:

By Dairy Branch, Production and Marketing Administration:

18. Delete § 975.6 (d) (1) and substitute therefor the following:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92 score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120; *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in plant shrinkage, pursuant to § 975.5 (b) (3) (ii) shall be such price less \$3.60.

By Milk Producers Federation of Cleveland:

19. In § 975.6 (a) delete the words "the delivery period" wherever they appear and substitute therefor the words "the immediately preceding delivery period."

20. Amend § 975.6 (b) (1) by striking out the words "October, November and December" and inserting in lieu thereof the words "September, October, November, December, January and February" and by adding the following: "*Provided*, That Class I prices for the following indicated delivery periods shall not be less than:

\$4.84 for July, August and September 1947.
\$5.30 for October, November and December 1947.

\$4.84 for January, February, and March 1948, and not less than \$4.38 for any delivery period thereafter.

21. Amend § 975.6 (c) (1) by striking out the words "October, November and December" and inserting in lieu thereof the words "September, October, November, December, January and February."

22. Delete the period at the end of § 975.6 (c) (2) substitute a colon therefor, and add the following: "*Provided*,

That the price of butterfat shall during no delivery period be less than the price of butterfat computed pursuant to (d) (1) of this section, prior to the application of the proviso therein."

23. Amend § 975.6 (c) (3) by inserting between the words "paragraph" and "by" the words "prior to the application of the proviso,"

24. Amend § 975.6 (d) (3) by striking out (i) (ii) (iii) and (iv) and inserting in lieu thereof the following:

(i) From the higher of the prices computed pursuant to (a) (1) or (a) (2) of this section deduct 5 cents;

(ii) Multiply the result by 7;

(iii) Subtract such result from the figure obtained in (i) of this paragraph; and

(iv) Divide the result by 0.965 and round off to the nearest full cent.

By Orville Milk Condensing Company:

25. Delete § 975.6 (d) (3)

By Milk Market Survey Committee:

26. Delete § 975. (d) (3)

In § 975.7 *Determination of uniform price to producers:*

By the Dairy Branch, Production and Marketing Administration:

27. Amend § 975.7 (c) (2) by substituting the numeral "50" for the numeral "10."

By Elm Farm Dairy, Medina, Ohio and Wooster Farm Dairies, Wooster, Ohio:

28. Delete § 975.7 (b) and substitute therefor the following:

(b) *Location adjustment to handlers.*

(1) With respect to the actual weight of milk, cream or any other item named in Class I milk and Class II milk which is classified as Class I milk or as Class II milk or as cottage cheese and which is received from producers at a handlers pool plant located more than 30 miles from the public square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, there shall be deducted in the computation of the handler's pool value, the following amount per hundredweight thereof, applicable pursuant to the following:

(Miles plant is distant from the public square in Cleveland, Ohio)

Mileage zone	Cents per hundredweight
Not more than 30 miles.....	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 miles thereafter (an additional)	1

(2) With respect to milk received from producers at a handlers' pool plant located more than 30 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, there shall be deducted in the computation of the handlers' pool obligation, for each hundredweight of skim milk and butterfat contained therein which was classified as Class III and which was moved as milk, skim milk or cream from the plant

where received from producers to a manufacturing plant an amount equal to 1¢ per hundredweight for each mile that the plants are distant from each other: *Provided*, That such allowance shall not exceed that applicable to the same plant pursuant to subparagraph (1) of this paragraph.

By Milk Market Survey Committee:

29. Delete § 975.7 (b) and substitute therefor the following:

(b) With respect to the actual weight of milk, cream, or any other item which is moved directly from a pool plant, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the shipping plant to the receiving plant, such distance to be determined by the market administrator.

Mileage zone	Cents per hundredweight
Not more than 30 miles.....	0.
More than 30 miles but not more than 45 miles.....	15
More than 45 miles but not more than 60 miles.....	17
More than 60 miles but not more than 75 miles.....	19
More than 75 miles but not more than 90 miles.....	21
Within each 15 mile zone thereafter (an additional).....	1

Provided, That such an adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

In § 975.9 *Expense of administration*:
By Milk Market Survey Committee:

30. Add after "pool plants" the phrase "except skim milk, milk products and butterfat used in the manufacture of ice cream."

General proposals:

By the Guernsey Producers Association, Inc.,

31. That milk sold as a special milk including Golden Guernsey, Jersey Creamline, or similar milks on which a special premium for quality is paid over and above the pool price by the handler, shall be set aside in a separate pool calculated and administered by the market administrator. The handler of such milk shall report monthly his total receipts and sales of special milk and certify to the market administrator the premium paid each month, which price paid to each producer shall not be less than the average blended pool price.

32. In a market wide pool calculation, those handlers paying a premium to producers of special milk shall be charged the same price per pound of butterfat that he is permitted to pay the producer through the regular producer butterfat differential (Class III). This difference could then be recovered through a special premium to that extent to the producer of special premium milk only.

33. If the above revision is not legally sound then the same results can be obtained by the following amendment: "The handler paying a premium to producers of special quality milk shall pay his special producers the same butterfat differential that he is charged for Class

I butterfat in the pool and be so credited." This amendment will permit any distributor to handle special milks of any kind, the determining factor qualifying him for this special consideration being that he must pay some premium to his producers.

34. Butterfat differentials. For each month the market administrator shall compute a butterfat differential to be paid to producers which shall be the average weighted butterfat differential paid by the handlers in the pool for producers milk.

35. That an individual handler pool be substituted for a market wide pool and all necessary changes to effectuate and establish an individual handler pool be made in the order.

By the Dairy Branch, Production and Marketing Administration:

36. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and the marketing order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: June 20, 1947.

[SEAL]

E. A. MEXER,
Assistant Administrator.

[F. R. Doc. 47-0009; Filed, June 25, 1947;
8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. VI]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR PUERTO RICO

NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR CONSIDERATION IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

Correction

In Federal Register Document 47-5811, appearing at page 4003 of the issue for Friday, June 20, 1947, the reference to "Special Industry Committee No. 6" in the first line of the second paragraph, should read: "Special Industry Committee No. 5"

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 208, 238]

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES AUTHORIZING INTERSTATE OR OVERSEAS AIR TRANSPORTATION

NOTICE OF PROPOSED REVISION OF REGULATIONS

The Civil Aeronautics Board has under consideration a proposed revision of §§ 238.3, 238.5, and 208.2 (g) of the Economic Regulations, dealing with terms, conditions and limitations of certificates authorizing interstate or

overseas transportation, issued under section 401 of the act. The proposed revision is particularly concerned with authorization for nonstop service and for use of airports. The revision is proposed under the authority of sections 205 (a) 401, and 405 (e) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 934, 938, as amended; 49 U. S. C. 425, 481)

The Board has authorized the circulation of the proposed revision to interested persons. Comments should be submitted in writing to the Secretary, Civil Aeronautics Board, Washington 25, D. C., on or before July 26, 1947.

The text of the proposed revision is attached hereto. The material features of the proposed revision are as follows:

I. Nonstop service—A. Present regulation. At present, under the nonstop provisions of § 238.3, if a certificated air carrier desires to institute nonstop service in interstate or overseas air transportation, it must file with the Board a "Notice of Nonstop Service." The carrier may not institute nonstop service less than 20 days after filing notice, unless the Board expressly authorizes it. The carrier may begin nonstop service after expiration of the 20-day period if the Board does not notify the carrier that the service involves a substantial departure from the certificated route; but if the Board gives such notification, institution of the service will depend upon the result of a hearing had on application of the carrier.

B. Proposed revision. Under paragraph (b) of the proposed revision, an air carrier could institute nonstop service merely by complying with the procedure governing revision of schedule—just as would be required in the case of instituting any other additional service permissible under its certificate. The carrier would not be required to procure any permission from the Board, nor would it be necessary to file any "Notice." The proposed revision would eliminate the provisions as to nonstop service presently contained in paragraph (a) of § 238.3, and would eliminate so much of § 238.5 as relates to service of "Notice of Nonstop Service" (all of paragraph (a) and a part of paragraph (c)). This revision would not affect certificated foreign air transportation which is covered by §§ 238.4 and 238.7.

II. Airport authorization. Under the existing regulation (paragraph (b) of § 238.3), when the Board disapproves an airport notice, it must do so by show cause order which institutes a formal proceeding.

The proposed regulation would allow greater flexibility in that it would provide merely for a notice of the Board's disapproval of the airport notice, and if a carrier thereafter desired to proceed further it would be required to make formal application to the Board for approval.

III. Changes in form and text of regulations. Paragraphs (b) and (c) of § 238.5 (relating to service of "Airport Notice") would become paragraph (c) (2) of § 238.3. Paragraph (a) of § 238.5 (relating to service of "Notice of Nonstop Service") would be eliminated. The result would be to end the independent identity of § 238.5.

The proposed amendment of § 208.2 (g) is merely technical, in order to avoid possible inconsistency with proposed § 238.3 (b).

Minor changes in the text of the regulations have also been made for purposes of clarification, but are not believed to effect substantive changes.

Proposed amendment of Part 238 of the Economic Regulations (revising § 238.3 and incorporating § 238.5 therein)

§ 238.3 *Terms, conditions, and limitations of certificates authorizing interstate and overseas air transportation—*

(a) *Applicability.* Unless a certificate or the order authorizing the issuance of such certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate authorizing an air carrier to engage in interstate or overseas air transportation pursuant to section 401 of the act, such terms, conditions, and limitations as are set forth in this section, and as may from time to time be prescribed by the Board.

(b) *Nonstop authorization.* The holder of a certificate may inaugurate scheduled nonstop service between any two points not consecutively named in its certificate (and between which service is authorized by such certificate) upon the effective date of a schedule or a new or revised schedule page showing such nonstop service, filed with the Board in accordance with § 208.2 of this chapter.

(c) *Airport authorization—(1) Airport notice.* If the holder of a certificate desires to serve regularly a point named in such certificate through the use of any airport not then regularly used by such holder, such holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled "Airport Notice" shall clearly describe such airport and its location, and shall state the reasons the holder deems the use of such airport to be desirable. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification) unless and until the Board finds, upon application filed by the holder, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the "Airport Notice" whenever the circumstances warrant such action. In no event shall the holder use the provisions of this paragraph as authority to receive passengers at one airport and discharge such passengers at any other airport serving the same point.

(2) *Filing and serving notice.* An original and nine copies of each "Airport Notice" shall be filed with the Board, each setting forth the names and addresses of the persons required to be served and stating that service has been had on all such persons, by personal service or by registered mail. In the case of registered mail, the date of mailing

shall be considered the date of service. Each copy of notice served shall be accompanied by a letter of transmittal stating that such service is made pursuant to this section. A copy of each "Airport Notice" shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(i) The Postmaster General, marked for the attention of the Second Assistant Postmaster General;

(ii) Each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(iii) The chief executives of the city (or other political subdivision) and of the state, in which are located the currently used airport, the proposed airport, and the point to be served, respectively.

(If there be a state commission or agency having jurisdiction of air transportation, notice shall be served on such commission or agency rather than the chief executive of the state.)

(d) *Provisions as to scheduled stops.*

(1) A scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(2) A certificate containing a condition or restriction which has the effect of permitting the origination of a flight only at a certain point or points shall not be deemed to permit an increase in passenger- or property-carrying capacity (by change of gauge, substitution of equipment, addition of extra sections, or otherwise) on any such flight at any point other than a point at which the origination of such flight is authorized. A certificate containing a condition or restriction which has the effect of permitting the termination of a flight only at a certain point or points shall not be deemed to permit a decrease in passenger- or property-carrying capacity on any such flight at any point other than a point at which the termination of such flight is authorized. With respect to a particular flight, a point shall not be deemed to be beyond another specified point within the meaning of such condition or restriction unless the holder serves such other specified point on such flight or omits service thereto pursuant to regulation or other specific authorization (such as authority to render nonstop service, or to suspend service to such point) of the Board.

(e) *Failure to comply.* It shall be a condition upon the holding of the certificate that any intentional contravention in fact by the holder of the provisions of Title IV of the act or of the orders, rules, or regulations issued thereunder, or of the terms, conditions, and limitations attached to the exercise of the privileges granted by the certificate, even though occurring without the territorial limits of the United States shall (except to the extent that such contravention in fact shall be necessitated by an obligation, duty, or liability imposed by a foreign country) be a failure to comply

with the terms, conditions, and limitations of the certificate within the meaning of section 401 (h) of the act. (52 Stat. 984, 988, as amended; 49 U. S. C. 425, 481)

Proposed amendment of § 208.2 (g) of the Economic Regulations:

§ 208.2 *Filing of schedules and changes therein by air carriers under § 405 (e) of the act.* * * *

(g) *Effect of filing.* The fact that a schedule, or a new or revised schedule page, has been filed with the Civil Aeronautics Board does not operate to relieve an air carrier of any requirements, as to the filing of schedules, which may be made by any other governmental instrumentality. (52 Stat. 984, 995, as amended; 49 U. S. C. 425, 485)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6047; Filed, June 25, 1947;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

EXEMPTION OF CERTAIN TRANSACTIONS

NOTICE OF PROPOSALS WITH RESPECT TO ADOPTION AND AMENDMENT OF RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposals with respect to the adoption and amendment of rules pursuant to the Investment Company Act of 1940, particularly sections 6 (c) 17 (a), 17 (b) and 33 (a) thereof:

1. The adoption of a rule exempting from section 17 (a) of the act transactions pursuant to a contract where at the time the contract was made and for a period of six months prior thereto no affiliation or other relationship existed which would bring the transaction within the purview of section 17 (a). The purpose of the rule is to provide an automatic exemption for such transactions since they are effected pursuant to a contract presumably entered into upon the basis of arms-length negotiation. The text of the proposed rule is as follows:

§ 270.17a-4 *Exemption of transactions pursuant to certain contracts.* Transactions pursuant to a contract shall be exempt from section 17 (a) of the act if at the time of the making of the contract and for a period of at least six months prior thereto no affiliation or other relationship existed which would operate to make such contract or the subsequent performance thereof subject to the provisions of said section 17 (a) [Rule N-17A-4]

2. The amendment of the Commission's existing § 270.17a-2 (Rule N-17A-2) which exempts from section 17 (a) of the act certain purchase, sale or borrowing transactions. The purchase of the amendment of this rule is to expand the exemption provided thereby so that it will apply to certain transactions between banks. At present the

exemption is limited to transactions between a bank and a person engaged principally in the business of instalment financing.

§ 270.17a-2 *Exemption of certain purchase, sale or borrowing transactions.* Purchase, sale or borrowing transactions occurring in the usual course of business between affiliated persons of registered investment companies shall be exempt from section 17 (a) of the act pro-

vided (a) the transactions involve notes, drafts, time payment contracts, bills of exchange, acceptances or other property of a commercial character rather than an investment character; (b) the buyer or lender is a bank; and (c) the seller or borrower is a bank or is engaged principally in the business of instalment financing. [Rule N-17A-2]

All interested persons are invited to submit data, views and comments in

writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before July 10, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

JUNE 17, 1947.

[F. R. Doc. 47-5995; Filed, June 25, 1947;
8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11881.

[Return Order 24]

RAYMOND SAULNIER AND STANDARD BRANDS, INC.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Raymond Saulnier, St. Menere a Paris VIII, France; claim No. 3507.	12 F. R. 3235, May 17, 1947.	Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in vesting order No. 606 (8 F. R. 5047, Apr. 17, 1943), relating to U. S. Letters Patent Nos. 2,082,423; 2,105,374; 2,155,624; 2,110,181; 2,123,751; 2,127,732; 2,134,237 and 2,229,546, and described in vesting order No. 253 (7 F. R. 1323, Nov. 25, 1942), relating to U. S. Patent Application Serial No. 429,821, U. S. Patent Application Serial No. 430,822 (now U. S. Letters Patent No. 2,335,451), U. S. Patent Application Serial No. 430,823 (now U. S. Letters Patent No. 2,335,827).
Standard Brands, Inc., New York, N. Y., claim No. A-374.	12 F. R. 3235, May 17, 1947.	Property described in vesting order No. 291 (5 F. R. 625, Jan. 15, 1943), relating to U. S. Letters Patent No. 1,829,220, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6031; Filed, June 25, 1947;
8:46 a. m.]

[Vesting Order 9135]

MARY MARTIN

In re: Estate of Mary Martin, deceased. D-28-10113; E. T. sec. 14382.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave (Gustav) Martin, Carolina Schadler, Elizabeth Mayer, Herman Martin, Adolph Martin, Marie Gollrad, Richard Martin, Friedrich Martin, Bertha Grumm, Rose (Rosa) Schlager, Julia Anklin, Elizabeth Hafin (Hoffin), Karl Yager, Emma Yager, Friedrich Yager, Katharine (Katherine) Yager, Johann Martin, Herman Martin, Pauline Bruetsch, Stephen (Stephan) Martin, Emma Nase, Albertine Martin and Elizabeth Martin, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the sum of \$5,547.56 and, the following described securities were delivered to the Alien Property Custodian

by the Alton Banking and Trust Company, trustee in the Matter of the Estate of Mary Martin:

\$2,600.00 United States Treasury bonds of 1946-49-3½% dated June 15, 1931 due June 15, 1949. No. 56851-A for \$1,000.00; Numbers 9055-E, 64453-C, 64454-D for \$500.00 each and No. 112893-C for \$100.00.

\$1,500.00 United States Treasury bonds of 1948-50-2½% dated December 8, 1939 due December 15, 1950. No. 1217-H for \$500.00 and Numbers 7258-J, 7259-K, 7262-B, 7233-C, 7287-H, 7477-H, 7478-J, 7479-K, 7480-L and 7667-H for \$100.00 each;

3. That the said sum of \$5,547.56 and the said securities are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

¹ Filed as part of the original document.

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptances thereof on May 17, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 23, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6026; Filed, June 25, 1947;
8:45 a. m.]

NICHIBET KINEMA CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Vesting orders	Property and location																																																																																																																																																														
Nichibel Kinema Co., Los Angeles, Calif.	4500	246 (7 F. R. 9753, Nov. 24, 1942) 1639 (8 F. R. 8574, June 22, 1943) 1760 (8 F. R. 15393, Nov. 9, 1943) 4626 (10 F. R. 3651, Apr. 4, 1945).	<p>\$675.57 in the Treasury of the United States. 77 Japanese films in Washington, D. C., and New York, N. Y., identified as follows:</p> <table><thead><tr><th>Title</th><th>Number of reels</th></tr></thead><tbody><tr><td>Aka no Kyo</td><td>2</td></tr><tr><td>Akatsuki ni Inoru</td><td>12</td></tr><tr><td>Akiba no Himatsuri</td><td>6</td></tr><tr><td>Akogare</td><td>8</td></tr><tr><td>Ani to Sono Imoto</td><td>9</td></tr><tr><td>Atarashiki Kazoku</td><td>7</td></tr><tr><td>Boku wa Dareda (Boku wa Tareda)</td><td>8</td></tr><tr><td>Byaku Ran no Uta</td><td>9</td></tr><tr><td>Chichi Nomigo Sazen Gokur (Chinomigo Sazengoku)</td><td>8</td></tr><tr><td>Chokarato to Heitai (Chocolate to to Heitai)</td><td>8</td></tr><tr><td>Dai no Haba (Daini no Haba)</td><td>4</td></tr><tr><td>Dan Juro no Katsu (Danjuro no Kachi)</td><td>6</td></tr><tr><td>Dokujya</td><td>4</td></tr><tr><td>Edogawa Ranzan</td><td>8</td></tr><tr><td>Eiga Emaki</td><td>8</td></tr><tr><td>Eiko no Iye</td><td>4</td></tr><tr><td>Gonin no Kyodai</td><td>10</td></tr><tr><td>Hada Kano Kyokasho (Hadaka no Kyokasho)</td><td>2</td></tr><tr><td>Hana Art Hyoga</td><td>9</td></tr><tr><td>Himawari Musume</td><td>8</td></tr><tr><td>Hi no Maru Basha</td><td>4</td></tr><tr><td>Hisho no Shinsen</td><td>6</td></tr><tr><td>Irezumi Hangan</td><td>12</td></tr><tr><td>Ishidori Maru (Ishido Maru)</td><td>3</td></tr><tr><td>Junsei Keiba (Jinsei Keiba)</td><td>8</td></tr><tr><td>Kaisoku Butai</td><td>10</td></tr><tr><td>Kappore Taiteki</td><td>6</td></tr><tr><td>Kekkon no Tenki Zu (Kekkon Tenzizu)</td><td>8</td></tr><tr><td>Kibo no Niji</td><td>5</td></tr><tr><td>Kodomo no Shiki</td><td>8</td></tr><tr><td>Kofuko no Sugawo</td><td>8</td></tr><tr><td>Komori Yasu</td><td>4</td></tr><tr><td>Kootai no Bakuon</td><td>9</td></tr><tr><td>Kuwa no Mi wa Akai</td><td>9</td></tr><tr><td>Mago Uta Senryo</td><td>6</td></tr><tr><td>Mangan no Asa</td><td>6</td></tr><tr><td>Mazo Hyakumanryo</td><td>8</td></tr><tr><td>Mugan no Takara</td><td>4</td></tr><tr><td>Nijitatsu Oka</td><td>6</td></tr><tr><td>Nippon no Tsuma (Episode 1)</td><td>8</td></tr><tr><td>Nobuko</td><td>8</td></tr><tr><td>Oite Masumasu Sakan Nari</td><td>4</td></tr><tr><td>Onna Dake no Kimochi</td><td>8</td></tr><tr><td>Onna Kancho</td><td>6</td></tr><tr><td>Onna no Yui</td><td>8</td></tr><tr><td>Ronin Fubuki</td><td>2</td></tr><tr><td>Shimizu Jirocho</td><td>10</td></tr><tr><td>Shogun no Mago</td><td>8</td></tr><tr><td>Shuppatsu</td><td>10</td></tr><tr><td>Shuzaya Arashi</td><td>2</td></tr><tr><td>Suzuran no Tsuma</td><td>3</td></tr><tr><td>Tabigasa Dochu</td><td>14</td></tr><tr><td>Tango Sazen (Tangesazen Soe Gan no Maki; 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Eiga Emaki	8																																																																																																																																																																
Eiko no Iye	4																																																																																																																																																																
Gonin no Kyodai	10																																																																																																																																																																
Hada Kano Kyokasho (Hadaka no Kyokasho)	2																																																																																																																																																																
Hana Art Hyoga	9																																																																																																																																																																
Himawari Musume	8																																																																																																																																																																
Hi no Maru Basha	4																																																																																																																																																																
Hisho no Shinsen	6																																																																																																																																																																
Irezumi Hangan	12																																																																																																																																																																
Ishidori Maru (Ishido Maru)	3																																																																																																																																																																
Junsei Keiba (Jinsei Keiba)	8																																																																																																																																																																
Kaisoku Butai	10																																																																																																																																																																
Kappore Taiteki	6																																																																																																																																																																
Kekkon no Tenki Zu (Kekkon Tenzizu)	8																																																																																																																																																																
Kibo no Niji	5																																																																																																																																																																
Kodomo no Shiki	8																																																																																																																																																																
Kofuko no Sugawo	8																																																																																																																																																																
Komori Yasu	4																																																																																																																																																																
Kootai no Bakuon	9																																																																																																																																																																
Kuwa no Mi wa Akai	9																																																																																																																																																																
Mago Uta Senryo	6																																																																																																																																																																
Mangan no Asa	6																																																																																																																																																																
Mazo Hyakumanryo	8																																																																																																																																																																
Mugan no Takara	4																																																																																																																																																																
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Nippon no Tsuma (Episode 1)	8																																																																																																																																																																
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Tabigasa Dochu	14																																																																																																																																																																
Tango Sazen (Tangesazen Soe Gan no Maki; Tango Sazen Koi Gurama no Maki)	14																																																																																																																																																																
Teru ki Kumori (Teru hi Kumori Hi)	8																																																																																																																																																																
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Wakagusa	11																																																																																																																																																																
Ware Moka (Waremo Kow; Waremo Kow (Senpen) Waremo Kow (Yokokuhon))	16																																																																																																																																																																
Wasurarenu Hitomi	8																																																																																																																																																																
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Yobu ko Tori (Yobi Kodori)	12																																																																																																																																																																
Bikuri Jinsei (Enoken no Bikurijinsei)	6																																																																																																																																																																
Dairiku Tossbin (Part 1) (Enoken no Dairiku Tossbin)																																																																																																																																																																	
Hokaibo (Enoken no Hokaibo)	8																																																																																																																																																																
Kaido Henge Ki (a silent picture) (Kaido Henge Roku)	7																																																																																																																																																																
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Puoperaas Ojisan (Propeler Oyaji)	8																																																																																																																																																																
Waka Tsuma no Yume (Wakaba no Ume)	8																																																																																																																																																																
Aizen Kochiyama (Aizen Kojinyama)	7																																																																																																																																																																
Ano no Shussel	7																																																																																																																																																																
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Gatchuri Jidai (Enoken no Gatchuri Jidai)	8																																																																																																																																																																
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Roppa no Otochan	7																																																																																																																																																																
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Uramachi no Haru	6																																																																																																																																																																
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Aijo Ichiro, Aisochojin Roku, Aikoku Rokunin Musume, Ai no Bôfu, Bakudan Nishoko, Boku no Marumage, Chizome no Sketch, Daichi ni Chikau, Daichino Ai, Daichi no Umi, Dosu Shai, Gunko no Otometachi, Hanagata Senshu, Harikiri Seishun Butai, Harusugata Gonin Otoko, Henge Okosho Gumi, Hino Maru Tsuzuri, Hokushino Sorawotsuku, Juhikoka, Jugone Chichiyori, Kachidoki, Kaigan Byakugeki Tai, Kamitsuta Hanayome, Kan-ei Yushi Sodoiri, Kenpo Ichiro, Ketsuro, Kenpo Atari Kyogen, Kimi to Yukumichi, Kimi no Nikichi, Kojinyama, Koko no Reikon, Kokusaku Tokuhon, Kokyo no Haka, Ko-wo Meguru Futarino Onna, Kosho Musuko, Makiba Monogatari, Mazo, Nizuma Kagami, Ninjitsu Dochu, Ninjitsu Satsuma Jyo, Ninjutsu Ukishima Jyo, Nyonin Shinsei, Ro-ei no Uta, Saigo no Shinsen Gumi, Sannin Toreba, Seikins Kangeki, Senninbani, Shanghai Riksentai, Shara Otome, Shinsen Tange Sazen, Shonen Kokuhai, Shukujyo wa nanio Wasuretaka, Tamiya Bo-taro, Tanoshiki Wagaya, Tatakau Jyosel, Tatakau Otoko, Tetsu Ka, Tenpo Suiko Den, Toho Akino Album, Tokia no Honriu, Umi no Dai-Shogun, Utoyoyo Tamashii, Utsukushiki Binjin, Waga Haha, Waga Kokoro no Chikai, Wagaya ni Haha Aro. Yagyu Tabi Nikki, Rokyoku Ga-ko.																																																																																																																																																																	

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6033; Filed, June 25, 1947;
8:46 a. m.]

HENRY J. BEAL

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Henry J. Beal, Omaha, Nebr.	1597	\$111.76 in the Treasury of the United States.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6032; Filed, June 25, 1947;
8:46 a. m.]

Claimant	Claim No.	Property
Kazuichi Hashimoto (Hashimoto Company), Los Angeles, Calif.	4494	\$70,833.22 in the Treasury of the United States. All unliquidated assets, including obligations involved in 15 suits now pending in various courts in the State of California, vested by vesting order No. 401 (F. R. 10632, Dec. 10, 1942).

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6035; Filed, June 25, 1947;
8:47 a. m.]

[Vesting Order 9217]

VICTOR KOHLER AND URSULA KOHLER

In re: Stock, bonds, mortgage participation certificates owned by and debts or other obligations owing to Victor Kohler and Ursula Kohler. F-28-3231-A-1, F-28-3231-C-1, F-28-3231-D-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victor Kohler and Ursula Kohler, whose last known addresses are Goettingen, Nikolausbergerweg 69, Germany, are residents of Germany and nationals

No. 125—4

[Vesting Order 9219]

TATSUJI HOSHINO

In re: Debt owing to Tatsuji Hoshino, also known as T. Hoshino.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuji Hoshino, also known as T. Hoshino, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Tatsuji Hoshino, also known as T. Hoshino, by the Superintendent of Banks of the State of California, and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Bank Department, 111 Sutter Street, San Francisco, California, in the amount of \$4,870.57, as of December 31, 1945, arising out of a temporary receipts account entitled T. Hoshino, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Japan)

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6030; Filed, June 25, 1947;
8:45 a. m.]

KAZUICHI HASHIMOTO

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

c. Three (3) Iowa Central Railway Company 1st Mortgage 5% bonds, bearing the numbers and of the face values as follows:

Certificate No.	Face value
2312	\$1,000
2313	1,000
5784	1,000

and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

d. One (1) Minneapolis & St. Louis Railroad 1st Consolidated 5% bond, of \$1,000.00 face value, bearing the number 2196, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

e. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of \$2,500.00, bearing the number A-16793, participating in a 4% building mortgage bearing the number 3991, covering the premises located at 37-41 West 42nd Street and 38-48 West 43rd Street, New

York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

f. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of \$491.07, bearing the number A-2325, participating in a 4% building mortgage bearing the number 19967, covering the premises located at 43 W. 29th Street, New York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

g. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of \$1,872.47, bearing the number A-28802, participating in a 4% building mortgage bearing the number 20098, covering the premises located at 801 Madison Avenue, New York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

h. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a custodian cash balance account, account number 9224, and any and all rights to demand, enforce and collect the same, and

i. Those certain debts or other obligations of City Bank Farmers Trust Company, 22 William Street, New York, New York, evidences by two Secretary's checks drawn by City Bank Farmers Trust Company to the order of Dresdner Bank Filiale Bielefeld A/C #17, Victor and/or Ursula Kohler, said checks numbered T257540 and T220718, dated February 1, 1940 and March 1, 1940, and in the amounts of \$57.04 and \$114.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Victor Kohler and Ursula Kohler, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General,

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6029; Filed, June 25 1947; 8:45 a. m.]

JOACHIM KOLBE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Joachim Kolbe, Milwaukee, Wis.-----	A-298	Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943) relating to United States Letters Patent Nos. 2,072,621; 2,076,786; 2,092,678; 2,094,541; 2,116,027; 2,203,056; 2,231,338; 2,219,212 and 2,252,239, to the extent owned by claimant immediately prior to the vesting thereof. Any interests and rights relating to said property created in the heirs of Fritz Beindorf and in Daimler-Benz A. G. by virtue of agreements dated Oct. 6, 1933 and May 7, 1936, respectively, are expressly reserved.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6034; Filed, June 25, 1947; 8:46 a. m.]

[Vesting Order 9214]

MARGARET C. BRUCKNER-TYLER

In re: Debts or other obligations owing to and bank account and stock owned by Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler. F-28-820-A-1, F-28-820-D-1, F-28-820-D-2, F-28-820-D-3, F-28-820-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler, whose last known address is Podbielskistrasse 14, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler, by H. Hentz & Co., 60 Beaver Street, New York 4, New York, in the amount of \$1,201.81, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Old Colony Trust Company, 1 Federal Street, Boston, Massachusetts, arising out of a cash account entitled Mrs. Margaret C. Bruckner-Tyler, and any and all rights to demand, enforce and collect the same,

c. Ten (10) shares of \$100.00 par value capital stock of Boston-Edison Company, 182 Tremont Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by certificate number 164260, registered in the name of Margaret C. Bruckner-Tyler, and presently in the custody of H. Hentz & Co., 60 Beaver Street, New York 4, New York, together with all declared and unpaid dividends thereon, and all rights to exchange the aforesaid shares in accordance with a plan of recapitalization, effected July 24,

1940, of the said Boston-Edison Company, and

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Margaret C. Bruckner-Tyler, and presently in the custody of H. Hentz & Co., 60 Beaver Street, New York 4, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York.....	Capital.....	\$100.00	BE14973.....	5
Boston & Maine RR., 150 Causeway St., Boston, Mass.	New York, Massachusetts, New Hampshire, and Maine.	First preferred, Class A.....	100.00 100.00	KN22323..... TO-207.....	1 20
New England Telephone & Telegraph Co., 50 Oliver St., Boston, Mass.	New York.....	Common.....	100.00	104349.....	8
Public Service Corp. of New Jersey, 50 Park Pl., Newark, N. J.	New Jersey.....	\$5 preferred cumulative.....	100.00 No	126783..... H-65156.....	1 10
South Street Trust Co., Boston, Mass.	Massachusetts.....	Common.....	5.00	623.....	44

[F. R. Doc. 47-6028; Filed, June 25, 1947; 8:45 a. m.]

CLARENCE A. HEARLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Clarence A. Hearley, Chicago, Ill.....	A-103	An undivided one-half interest in property described in vesting order No. 666 (S. F. R. 5047, Apr. 17, 1943) relating to United States Letters Patent No. 2,103,645 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6036; Filed, June 25, 1947; 8:47 a. m.]

[Vesting Order 9180]

MARIE THERESE YOSHIMOTO

In re: Stock and bank account owned by Marie Therese Yoshimoto. D-39-17744-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

- 1. That Marie Therese Yoshimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation of Empire Trust Co., 120 Broadway, New York 5, N. Y., arising out of a Trust Ledger-Cash Account, entitled Marie Therese Yoshimoto, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Bosworth & Co., and present in the custody of Empire Trust Company, 120 Broadway, New York 5, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person

named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Certificate No.	Par value	Type of stock	Name of registered owner
Delaware, Lackawanna & Western R. R. Co., 140 Cedar St., New York, N. Y.	Pennsylvania.....	29	0106009.....	\$50.00	Capital.....	Bosworth & Co.
The Greyhound Corp., 2609 Board of Trade Bldg., Chicago, Ill.	Delaware.....	29	NOV 107.....	No par	Common.....	Do.
New York Central R. R. Co., Albany, N. Y.	New York, Ohio, Illinois, Indiana, Pennsylvania, and Michigan.	25	L432006.....	No par	Capital.....	Do.
New York City Omnibus Corp., 605 West 132d St., New York, N. Y.	New York.....	25	015704.....	No par	do.....	Do.
Republic Steel Corp., Republic Bldg., Cleveland, Ohio.	New Jersey.....	25	NYC010009.....	No par	Common.....	Do.
The Sperry Corp., 30 Rockefeller Plaza, New York, N. Y.	Delaware.....	49	TJ010003.....	\$1.00	do.....	Do.
Thompson-Starrett Co., Inc., 444 Madison Ave., New York, N. Y.	do.....	25	C002392.....	No par	do.....	Do.
Translucent Containers Corp., Ltd.	do.....	200	015,035,003.....	do.....	do.....	Do.
United States Realty & Improvement Co., 111 Broadway, New York, N. Y.	New Jersey.....	100	83625.....	No par	Capital.....	Do.
Willys-Overland Motors, Inc., Toledo, Ohio.....	Delaware.....	100	NY-O 48103.....	\$1.00	Common.....	Do.

[F. R. Doc. 47-6027; Filed, June 25, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

UPPER BURNT RIVER PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 30, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) I hereby withdraw the following described land from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

UPPER BURNT RIVER PROJECT

WILLAMETTE MERIDIAN, OREG.

T. 10 S., R. 36 E.,
 Sec. 27, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$,
 Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$,
 Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 36, all.
 T. 11 S., R. 36 E.,
 Sec. 2, Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$,
 Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$,
 Secs. 10 to 14, incl., 23, 24, incl., all;
 Sec. 25, N $\frac{1}{2}$, SW $\frac{1}{4}$.

The above areas aggregate 8,210.11 acres.

WILLIAM E. WARNE,
Acting Commissioner

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director

APRIL 15, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of January 30, 1947, withdrawing certain public lands in Townships 10 and 11 South, Range 36 East, Willamette Meridian, Oregon, for use in connection with the Upper Burnt River Reclamation Project, Oregon, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Acting Commissioner
 Bureau of Reclamation.

[F. R. Doc. 47-6000; Filed, June 25, 1947; 8:47 a. m.]

Bureau of Reclamation

MISSOURI RIVER PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 31, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) and in accordance with the authority under the act of June 26, 1936 (49 Stat. 1976) I hereby withdraw the following described public land from entry as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

GLENDO UNIT

MISSOURI RIVER PROJECT, WYOMING

Sixth Principal Meridian

T. 29 N., R. 67 W.,
 sec. 7, Lots 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$,
 sec. 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 29 N., R. 68 W.,
 sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$,
 sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$,
 sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
 T. 30 N., R. 68 W.,
 sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
 sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 1,513.06 acres.

WILLIAM E. WARNE,
Acting Commissioner

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director

MARCH 17, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of January 31, 1947, withdrawing certain public lands in the State of Wyoming, for use in connection with the Glendo Unit, Missouri River Project, Wyoming, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Acting Commissioner
 Bureau of Reclamation.

[F. R. Doc. 47-5999; Filed, June 25, 1947; 8:47 a. m.]

[No. 2]

BUFFALO RAPIDS IRRIGATION PROJECT, SECOND DIVISION, MONTANA

NOTICE OF TEMPORARY WATER SERVICE

JUNE 9, 1947.

1. *Water rental.* Irrigation water will be furnished when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947 and thereafter until further notice, where the progress of construction will permit, to the irrigable lands in the Shirley and Terry Units of the Second Division of the Buffalo Rapids Project, Montana.

2. *Charges and terms of payment.* The water rental charge shall be One Dollar (\$1.00) per acre-foot for all water delivered in accordance with the application at the applicant's farm. All charges shall be payable in advance of the delivery of water; provided that there shall be a minimum payment at the time of making rental application of not less than Twenty Dollars (\$20) and that subsequent payments will each be not less than Ten Dollars (\$10). Credit for water paid for but not delivered during any irrigation season will be allowed in the next irrigation season, or at the request of the applicant, a cash refund equal to such credit will be made after the close of the current irrigation season.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. Individual applications for water and the payments required by this notice will be received at the office of the Construction Engineer, Bureau of Reclamation, Masonic Temple Building, Terry, Montana. The United States reserves the right to reject any application.

MICHAEL W. STRAUS,
Commissioner

[F. R. Doc. 47-6001; Filed, June 25, 1947; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 368]

ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U. S. C. 201) I, Wm. R. McComb, Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, do hereby accept the resignation of Commissioner Donald McMillan from the Advisory Committee on Sheltered Workshops, and do appoint in his stead Commissioner Ernest I. Pugmire, National Commander of the Salvation Army, to the Committee.

Signed at Washington, D. C., this 19th day of June 1947.

WM. R. MCCOMB,
Administrator

[F. R. Doc. 47-6006; Filed, June 25, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8412]

INTERLAKE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Interlake Broadcasting Corporation, Renton, Washington, Docket No. 8412, File No. BP-5485; for Construction Permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station on 1220 kc, with 250 w power, daytime only, at Renton, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KFW, Seattle, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The First Presbyterian Church of Seattle, Washington, licensee of Station KFW be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] /

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6040; Filed, June 25, 1947; 8:47 a. m.]

[Docket No. 8419]

DEKALB RADIO STUDIOS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Theodore A. Lanes and Roland Wallem, a partnership d/b as DeKalb Radio Studios, DeKalb, Illinois, Docket No. 8419, File No. BP-5648; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1360 kc, with 250 w power, daytime only, in DeKalb, Illinois.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WTAQ, Green Bay, Wisconsin or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel, and to whether the proposed operation with 250 w power would be an efficient use of the 1360 kc channel.

It is further ordered, That, WHBY, Inc., licensee of Station WTAQ, Green Bay, Wisconsin, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, That, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6041; Filed, June 25, 1947; 8:47 a. m.]

[Docket No. 8423]

WINDHAM BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 8423, File No. BP-5810, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Willimantic, Connecticut;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations WNHC, New Haven, Connecticut and WDRC, Hartford, Connecticut, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Elm City Broadcasting Corporation, licensee of Station WNHC, New Haven, Connecticut and WDRC, Inc., licensee of Station

WDRC, Hartford, Connecticut, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6042; Filed, June 25, 1947;
8:47 a. m.]

[Docket No. 8424]

TOWER REALTY CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of the Tower Realty Company, Cumberland, Maryland, Docket No. 8424, File No. BP-5940; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947.

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, at Cumberland, Maryland;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WARD, Johnstown, Pennsylvania, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Central Broadcasting Company, Inc., licensee of station WARD, Johnstown, Pennsylvania, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6043; Filed, June 25, 1947;
8:48 a. m.]

[Docket Nos. 8367, 8422]

KFEQ, INC. AND WHB BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFEQ, Inc. (KFEQ) St. Joseph, Missouri, for construction permit, Docket No. 8367, File No. BP-4810; WHB Broadcasting Company (WHB) Kansas City, Missouri, for modification of construction permit, Docket No. 8422, File No. BMP-2538.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 11th day of June 1947;

The Commission having under consideration the above-entitled application of WHB Broadcasting Company for modification of its construction permit for operation on 710 kc (File No. BP-2873, Docket No. 6022) so as to increase daytime power to 10 kw and to make changes in the daytime directional antenna;

It appearing, that the Commission on April 30, 1947, designated for hearing in a separate proceeding the application of KFEQ, Inc., requesting a construction permit to increase the daytime power of Station KFEQ, operating on 680 kc at St. Joseph, Missouri, to 10 kw, to operate with a nondirectional antenna daytime, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of WHB Broadcasting Company be, and it is hereby designated for hearing in a consolidated proceeding with the above-entitled application of KFEQ, Inc. at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate stations KFEQ and WHB as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any other existing broadcast stations and particularly whether the operation of Station KFEQ

as proposed would involve objectionable interference with stations KOWH, Omaha, Nebraska, WMAQ, Chicago, Illinois, or KGGF, Coffeyville, Kansas, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and particularly whether the operation of Station KFEQ as proposed would involve objectionable interference with the services proposed in the pending application of Hugh J. Powell (KGGF), and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

It is further ordered, That, World Publishing Company, licensee of Station KOWH, Omaha, Nebraska; National Broadcasting Company, Inc., licensee of Station WMAQ, Chicago, Illinois; and Hugh J. Powell, licensee of station KGGF Coffeyville, Kansas, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6044; Filed, June 25, 1947;
8:48 a. m.]

FLINT BROADCASTING CO., FLINT, MICH.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on June 16, 1947 there was received an application (BTC-554) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A.) to the proposed transfer of control of the Flint Broadcasting Company, licensee of Station WFDF Flint, Michigan, from Howard M. and Frederick S. Leob to the Trebit Corporation, a Michigan Corporation.

The proposed transfer is based on an agreement dated May 12, 1947 pursuant to which Howard M. and Frederick S. Leob have agreed to sell their shares of capital stock of Flint Broadcasting Company to the Trebit Corporation for the sum of \$600,000 plus an amount equal to the "net current assets" of the Flint Broadcasting Company as of June 1, 1947. The total purchase price is payable within 30 days after the date upon

¹ Section 1.321, Part I, Rules of Practice and Procedure.

which the formal order of the Commission consenting to the transfer of control of the Flint Broadcasting Company is entered. Full information concerning the transaction may be obtained from the application which is on file in the office of the Commission; Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (the terms and provisions of which are embodied in § 1.321 Part I of the Commission's rules and regulations, effective September 11, 1946) providing for publication of the filing of such applications to be given in a newspaper of general circulation in the community in which the station is located. The Commission was advised with the filing of the application (June 16, 1947) that notice would be inserted in a daily newspaper of general circulation in Flint, Michigan, beginning June 17, 1947. No action will be had upon the application for a period of 60 days from said June 17, 1947 within which time other parties desiring to apply for the facilities involved may do so upon the same terms and conditions set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6045; Filed, June 25, 1947;
8:48 a. m.]

KIUL, GARDEN CITY, KANS.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on June 13, 1947 there was filed with it an application (BAL-614) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KIUL from Frank D. Conard, trading as Radio Station KIUL to the Telegram Publishing Company, Garden City, Kansas. The proposal to assign the license arises out of a contract of May 13, 1947, pursuant to which the station and all its facilities and properties are to be sold to the proposed assignee for a total purchase price of \$42,000. Of this amount \$5,000 has been paid in cash and the remaining \$37,000 is payable in cash on approval. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On June 13, 1947 the Commission was advised that public notice concerning the application would be inserted in a newspaper of general circulation at Garden City, Kansas, beginning June 17, 1947, in conformity with § 1.321.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from June 17, 1947 within which

¹Section 1.321, Part I, Rules of Practice and Procedure.

time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6046; Filed, June 25, 1947;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Project No. 654]

WHITE RIVER POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE (MAJOR)

JUNE 23, 1947.

Notice is hereby given that, on June 20, 1947, the Federal Power Commission issued its order entered June 19, 1947, dismissing application for license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6023; Filed, June 25, 1947;
8:55 a. m.]

[Docket No. G-850]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF FINAL DECISION AND ORDER

JUNE 20, 1947.

Notice is hereby given that the initial decision and order issuing a certificate of public convenience and necessity in the above-designated matter became effective on June 3, 1947, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6024; Filed, June 25, 1947;
8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 219]

RECONSIGNMENT OF CAR AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reassignment at St. Louis, Mo., June 17, 1947, by National Produce Company, of car MDT 7143, now on the Wabash to Chicago, Ill. (Wab)

The waybill shall show reference, to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-6022; Filed, June 25, 1947;
8:53 a. m.]

[S. O. 759]

UNLOADING OF MACHINERY AT AMERICUS, GA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June A. D. 1947.

It appearing, that 2 cars containing tractors, plows and cultivators at Americus, Ga., on the Seaboard Air Line Railroad Company, have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Machinery at Americus, Ga., be unloaded.* The Seaboard Air Line Railroad Company, its agents or employees, shall unload immediately cars FRR 61316 and ACL 55835, loaded with farm implements, now on hand refused at Americus, Ga., consigned Order Ellinwood Industries Notify Sheffield Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 23, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing

it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6021; Filed, June 25, 1947;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1482]

FEDERAL WATER AND GAS CORP. AND SCRANTON-SPRING BROOK WATER SERVICE CO.

ORDER EXTENDING TIME FOR CONSUMMATION
OF SALE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of June A. D. 1947.

The Commission on April 9, 1947, having permitted to become effective a declaration regarding the sale by Federal Water and Gas Corporation to Scranton-Spring Brook Water Service Company of 975 shares of common stock, par value \$50 per share, of the Winton Water Company for a cash consideration of \$75,000, subject, however, to the condition that said sale be consummated within sixty days after said date; Federal Water and Gas Corporation and Scranton-Spring Brook Water Service Company having requested that the time within which to consummate the sale be extended for

sixty days for the reason that the required application to the Public Utility Commission of the State of Pennsylvania has not as yet been filed; and it appearing to the Commission that it is appropriate to grant said request;

It is hereby ordered, That said request be, and the same hereby is, granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5998; Filed, June 25, 1947;
8:46 a. m.]

[File No. 70-1528]

AMERICAN WATER WORKS AND ELECTRIC
CO., INC.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of June A. D. 1947.

American Water Works and Electric Company, Incorporated, ("American"), a registered holding company, has filed a declaration, with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transaction:

American proposes to make a capital contribution of \$125,000 in cash to its direct subsidiary, Joplin Water Works Company ("Joplin"). This capital contribution is to be added by American to its investment in the common stock of

Joplin (10,000 shares, no par value, the total issue outstanding), and is to be credited by Joplin to its capital surplus. It is represented that Joplin is to use this cash, together with other corporate funds of Joplin, to carry out a construction program. It is stated that no expenses are to be incurred in connection with the proposed transaction.

The declaration was filed on May 15, 1947, and the amendment thereto on May 20, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, and the same hereby is, permitted to become effective forthwith,

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5997; Filed, June 25, 1947;
8:46 a. m.]